



L A W S
OF
THE STATE
OF
North-Carolina,

ENACTED IN THE YEAR

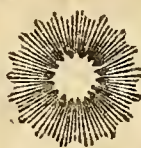
1815.

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One of the Justices of the Peace for the County of

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L A W S

OF

NORTH-CAROLINA

Enacted by a **General Assembly** begun and held at RALEIGH, on the twentieth day of November, in the year of our Lord one thousand eight hundred and fifteen, and in the thirty-ninth year of the Independence of the said State.

1815.

WILLIAM MILLER, ESQUIRE, GOVERNOR.

CHAPTER I.

An Act to provide a Revenue for the payment of the civil Lists and contingent charges of Government for the year one thousand eight hundred and sixteen, and to amend the Revenue Laws.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Peace appointed to take the lists of taxable property within the several counties of the state according to the directions of the act of the General Assembly passed in the year one thousand eight hundred and one, entitled "An act to fix an uniform time for taking the list of taxable property throughout the state, and for enforcing the collection of the Taxes," shall, after giving due notice thereof, according to the direction of the before recited act, require each and every person or persons liable to pay a land tax, either by lease or otherwise, to list each and every tract of land by him, her, or them holden within the county, stating the number of acres of each separate tract, its local situation and its reasonable value, including the improvements thereon; and where the dividing line between two counties runs through any tract of land the owner of the said land may list the same in either county; and it shall be the duty of guardians to list the lands of their wards being minors, and also the duty of guardians of lunatics, and persons *non compos mentis* to list the lands belonging to such lunatics and persons *non compos mentis*; and any person holding lands, or any guardian of a minor, lunatic, or person *non compos mentis*, who shall fail to list the lands which he is bound to list by this act, shall pay a double tax, to be collected by the sheriff out of the property of the person bound to list the said lands, by distress or other mode heretofore used in such cases.

Manner of levying and collecting taxes.

Valuation of the lands.

Guardians to list the lands of their wards.

II. *And be it further enacted,* That the Justices appointed as aforesaid shall make out a fair copy of the list of lands by them taken, with the number of acres and valuation annexed, and return the same together with the list of other taxable property by them taken, to the Clerk of the county Court at the next succeeding court which may happen after the time prescribed by law for taking the lists of taxable property; and the clerks of the several county courts are hereby required under the same penalties, regulations and restrictions as are by law already enjoined, to return to the comptroller on or before the first day of September in each and every succeeding year thereafter, an abstract of such lists, shewing the number of acres of land so listed, the valuation thereof, the valuation of town property, the number of white polls, of black polls, of wholesale stores, of retail stores, of retailers of spiritous liquors, of stud-horses, of jack-asses, of gates, and of every species of property separate and distinct, liable to pay a tax, and which shall be contained in the said lists.

Justices to make returns to the Clerks,

Who are to make returns to the Comptroller.

III. *And be it further enacted,* That in case any of the justices of the peace appointed to take the lists of taxable property shall fail to take and return the same, according to the provisions aforesaid, it shall be the duty of the county court to which the said return should have been made, to appoint some other justice of the peace whose duty it shall be to take the lists of taxable property in said district, and to make a return thereof to the succeeding county court.

In cases of failure.

IV. *And be it further enacted,* That the clerks of the several county courts shall, within forty days after the Justices shall have made their returns, deliver to the sheriff of the county a fair and accurate copy of the returns made by the justices as aforesaid, and in case of failure thereof, be under the same rules and penalties as are already prescribed by Law, and the respective sheriffs shall proceed after the first day of April in each and every year to collect the said taxes, and shall account for the same on or before the first day of October in each and every year, under the same rules, regulations and penalties as are now by law established.

Clerks to furnish Sheriff's with returns.

V. *And be it further enacted,* That if any person owning lands in any county within this state, or any non-resident, either by himself or agent shall fail to return

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Justice may
require a jury
to value land.

to the justice appointed to take the list of taxable property in the district in which he resides, or in which the land of such non-resident may be situated, a list of his or her lands with the number of acres and their valuation in the manner herein before prescribed, it shall be the duty of the said justice to summon a freeholder acquainted with the land, who shall value the same on oath within five days, and return the same to the said justice; and the said freeholder shall receive a compensation of one dollar for each tract by him assessed, to be levied and collected by the sheriff, at the time he collects the taxes on said land, if not previously paid by the owner, and under the same rules, regulations and restrictions.

Where lands
are not given
in.

VI. *And be it further enacted,* That where any person shall have failed either by himself, agent or guardian to list, his, her or their lands, and the Justices appointed to take the lists of taxable property shall have failed to have the same assessed according to the provisions aforesaid, it shall be the duty of the sheriff within the time prescribed for collecting the taxes to summon one free holder residing near to, or acquainted with said lands, whose duty it shall be within five days after such notification to value said lands on oath, which oath the sheriff or his lawful deputy is hereby authorised to administer, and it shall be the duty of such freeholder summoned as aforesaid, to transmit under his hand a fair transcript of such valuation to the clerk of the county court at or before the succeeding county court, and also to deliver to the sheriff another transcript of the same within ten days after the valuation aforesaid, and that the said free holder shall receive a compensation for his services as assessor of one dollar, for every tract by him assessed, to be levied and collected by the sheriff at the time he collects the taxes on said land, if not previously paid by the owner; and the clerk of the county court shall incorporate the returns made by the freeholders as aforesaid, with those made by the justices.

VII. *And be it further enacted,* That where any person, owning lands in any county of this state, shall have failed to give in the same, for the year one thousand eight hundred and fifteen, or where the same has been given in, but no value affixed thereto, it shall be the duty of the sheriff, at the time he collects the taxes for the said year, to summon a freeholder, acquainted with the said land, to value the same upon oath, which freeholder shall be allowed one dollar for each tract by him so valued; and the sheriff shall collect and account for the taxes, due on the said land, under the same rules, regulations and restrictions, as are provided by law for the collecting and accounting for taxes due on property not listed, and shall, at the same time, levy, collect, and pay over to the said freeholder, the sum due to him, for making the valuation aforesaid.

VIII. *And be it further enacted,* That if the justice, at the time of receiving the lists of taxable property, entertains the opinion, that the person or persons giving in his, her or their list of taxable property, manifestly undervalue the same, the said justice of the peace shall summon two freeholders, acquainted with said land, whose duty it shall be to value the same upon oath; and said freeholders shall be entitled to receive a compensation, for their services, of one dollar each, for every tract by them assessed, to be paid by the owner of said land, *provided* the valuation, made by said assessors, shall exceed that returned to the justice, and in case the said valuation shall not be increased by the freeholders, to be paid by the county.

Valuation to
be made in dol-
lars and cents.

IX. *And be it further enacted,* That the valuation of lands and their improvements, as required by this act, shall be made in dollars and cents; and the lands, liable to be sold for taxes, shall be sold under the same rules, regulations, and restrictions, as are by law already established.

Assessment
of town lots.

X. *And be it further enacted,* That all town lots and their improvements, shall be assessed as is by law now required and directed, and such valuation or assessment shall be made in dollars and cents, and take place at the same time that other taxable property is given in, within the several counties of this state; and the assessors shall make return thereof, to the clerks of the county courts, at the same time as is required by law for justices of the peace to make return of the lists of taxable property taken by them, under the penalty of forty dollars for such neglect, to the use of the county.

Penalty for
refusing to
serve as Asses-
sor.

XI. *And be it further enacted,* That any freeholder summoned by the justices or sheriff, as aforesaid, who shall refuse to perform the duties required by this act, shall forfeit and pay the sum of fifty dollars, one half to the use of the state, and the other half to the use of the county.

Tax of eight
cents on each
\$ 100 worth.

XII. *And be it further enacted,* That for the year one thousand eight hundred and sixteen, there shall be levied and collected, from all lands assessed and returned, as aforesaid, the sum of eight cents for every hundred dollars value thereof, and from all town lots and their improvements, the sum of eight cents on each hundred dollars value thereof.

XIII. *And be it further enacted* That for the year one thousand eight hundred

and sixteen, a tax on all stud horses and jack asses, within this state, of the full sum 1815. which the owner or keeper of such stud horses or jack asses shall ask, demand or receive for the season of one mare, shall be levied, collected, and accounted for in the same manner as such taxes have heretofore been levied, collected, and accounted for. On stud horses and Jack asses

XIV. *And be it further enacted*, That each and every person who shall peddle or hawk, in any county in this state, and not on a navigable stream, goods, wares or merchandize, not of the growth or manufacture of this state, shall pay to the sheriff of each and every county in which he, she, or they shall so peddle or hawk goods, wares or merchandize, the sum of six dollars as a tax, which tax shall be accounted for by the sheriff in like manner as other taxes; and on paying said tax, and obtaining a receipt therefor, such person shall be authorised and permitted to peddle and hawk goods, as aforesaid, in such county, and no other, for the term of one year thereafter; and every person who shall peddle or hawk goods, wares or merchandize, not of the growth or manufacture of this state, except vegetables and other articles of provision of the produce of the United States, on any navigable stream in this state, shall pay to the sheriff of each and every county, in which he or she shall so hawk or peddle, twenty dollars as a tax to the state, to be levied and accounted for as above, and on payment thereof, shall be authorised and permitted to peddle and hawk goods as aforesaid, in such county and no other, for the term of one year thereafter; and each and every person who shall hawk or peddle in any county, without having previously paid the tax thereon, as herein before directed, or who shall refuse or neglect, upon the request by the sheriff or his lawful deputy, or any justice of the peace, to shew a licence therefor, shall be liable to a forfeiture of one hundred dollars, to be collected by the sheriff of said county by distress and sale of any of the property of such delinquent, and to be applied, one half to the use of the state, and the other half to the use of said sheriff. Tax on Pedlars.

XV. *And for the better securing accountability in the collection of the tax on pedlars, Be it enacted*, that the sheriff of each county, previous to his settlement with the comptroller in each year, shall render to the clerk of the county court of pleas and quarter sessions of his county, an account of the names of the persons from whom he shall have collected a pedlar's tax, and the time of such collection within the preceding year, to which account he shall swear and subscribe his name, before the said clerk, and the clerk shall, immediately after such account shall be so returned, transmit one copy thereof to the comptroller, and put up one other copy thereof in some public part of the court room.

XVI. *And be it further enacted*, That every merchant who shall sell goods, wares or merchandise, not of the growth or manufacture of this state, in any store, to the amount of four hundred dollars in one year, shall pay a tax on each and every such store if a wholesale merchant of sixteen dollars, and if a retail merchant of six dollars; and every such merchant shall give in such store or stores in the list of his taxable property, under the same rules and regulations as other taxable property are given in, and the tax thereon shall be levied, collected and accounted for in the same manner as other taxes; *Provided always*, That no retailer of spiritous liquors by the small measure shall be liable to pay in addition to the tax imposed on said retailers, the tax also imposed on stores, unless such retailers shall sell such goods, wares or merchandize other than liquors, to the amount therein stated; and provided also, That the sheriff may be entitled to demand and collect the tax imposed by this section from such persons also as keep stores for a less time than one year, and sell thereout the amount therein before specified, although such stores were not opened on the first day of April. Tax on whole-sale and retail merchants.

XVII. *And be it further enacted*, That the owners of billiard tables shall hereafter give them in at the same time and in the same manner as other taxable property, and shall pay for each billiard table a tax of fifty dollars, to be levied, collected, and accounted for in the same manner as other taxes; and the sheriff shall collect the tax on every billiard table within his county, whether the same shall have been there on the first day of April or not; and whether the same shall have been erected on that day or not, unless the person having such table in possession shall produce the receipt of the sheriff of some other county for the said tax—and if the tax on any billiard table shall be unpaid after the same is due, and after having duly advertised the same, the sheriff shall expose the same to sale, and if no person bid for the said table to the amount of the tax and charges, the sheriff shall bid off the same and immediately thereafter, in presence of two justices or two freeholders, shall burn and destroy the same and every part thereof—and upon the affidavit of said sheriff, and attestation of the justices or freeholders, the said sheriff shall be allowed the amount of said tax in his settlement with the treasurer. Tax of fifty dollars on billiard tables.

XVIII. *And be it further enacted*, That every company of itinerant stage players, rope dancers, tumblers and wire dancers, and each and every itinerant person or On itinerant players, &c.

1815. company, who shall exhibit natural or artificial curiosities of any sort or kind for reward, shall, previously to performing or exhibiting in any county in this state, pay to the sheriff thereof, twenty dollars as a tax to the state, to be accounted for by the sheriff as other taxes; and on paying such tax and obtaining a receipt therefor, such person or company shall be authorised and permitted to perform or exhibit as aforesaid in such county and no other for one year thereafter; and each and every itinerant stage player, rope dancer, tumbler or wire dancer, or exhibiter of natural or artificial curiosities for a reward, who shall perform or exhibit in any county without having previously paid the tax herein directed, shall be liable to a forfeiture of sixty dollars, to be collected by the sheriff of said county, by distress and sale of any property of such delinquent: and to be applied one half to the use of the state, and the other half to the use of the sheriff.

Tax of five dollars on public gates. XIX. *And be it further enacted,* That a tax of five dollars be, and the same is hereby laid on all gates which may have been or which shall hereafter be at any time erected across any public road or highway within this state, and the owners of such gates shall give in the same at the same time that they give in their taxable property, and the tax shall be levied, collected, and accounted for in the same manner as other taxes.

Poll tax. XX. *And be it further enacted,* That for the year one thousand eight hundred and sixteen, a tax of twenty five cents on each and every free poll, and a tax of twenty five cents on each and every black poll, shall be levied and collected, under the same regulations and restrictions as poll taxes have heretofore been collected.

XXI. *And be it further enacted,* That all free males between the ages of twenty-one and fifty years, and all slaves between the ages of twelve and fifty, shall be subject to a poll tax; *provided,* that all slaves shall be listed in the county where they reside.

Sheriff's oath. XXII. *And be it further enacted,* That each sheriff, upon settling his accounts with the treasurer for the preceding year, shall make and subscribe an affidavit, that he has duly accounted, in such settlement, for all taxes received by him under this act, upon any occupation, article, or thing not included in the lists of taxable property furnished to him by the clerk of his county; and shall append, to the said affidavit, a list of all such taxes, so by him received, and the names of the persons from whom he received the same, and set forth, opposite to each item, the occupation, article, or thing for which the said taxes were received.

Read three times and ratified in General Assembly, 2
the 19th day of December, A. D. 1815. 5
A true Copy,

JOHN BRANCH, Speaker of the Senate.

J. CRAIG, Speaker of the House of Commons.

WILLIAM HILL, Secretary.

An Act to ratify and carry into effect an agreement relative to the Boundary line between this State and the State of South-Carolina, entered into by the Commissioners of the said States respectively, on the second day of November, A. D. eighteen hundred and fifteen, and to establish and confirm the said Boundary line as surveyed, marked and agreed upon by the said Commissioners.

Preamble. WHEREAS Thomas Love, Montfort Stokes and John Patton, Commissioners duly appointed and authorised on the part of the State of North-Carolina: and Joseph Blythe, John Blassengame and George W. Earle, Commissioners duly appointed and authorised on the part of the State of South Carolina, to run and mark the Boundary line between the said States agreeably to a provisional article of agreement entered into between the said states by their respective Commissioners, at M'Kinney's on Taxaway river, on the fourth day of September, one thousand eight hundred and thirteen, did meet on the eleventh day of September, one thousand eight hundred and fifteen near the termination of the line of one thousand seven hundred and seventy-two, and proceed to run and mark the said Boundary line agreeably to the terms of the said provisional article: And whereas the said Commissioners having ascertained by observation and by actual experiments that a course due west from the termination of the line of seventeen hundred and seventy-two would not strike the point of the ridge dividing the waters of the north fork of Pacolet river, from the waters of the north fork of Saluda river in the manner contemplated by the Commissioners, who entered into the said provisional article of agreement on behalf of the said states, and finding also that running a line on the top of the said ridge so as to leave all the waters of Saluda river within the state of South-Carolina, would (in one place) run a little north of a course due west from the termination of the said line of seventeen hundred and seventy-two, and that consequently the said provisional article of agreement could not be strictly and literally carried into effect: and whereas the aforesaid commissioners for the purpose of having a natural boundary as far as the Cherokee boundary line, run in the year seventeen hundred and ninety seven, did agree that the boundary line between the said states should be run on the ridge around the head springs of the north fork of Saluda river; and did run and mark the said boundary line in pursuance of such agreement, and have unanimously recommended that the same be established by the Legislatures of the respective states as the line intended by the provisional article aforesaid, and as the permanent line of separation and limits between the said states.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the boundary line so run and marked by the commissioners aforesaid and described in their joint report and chart of survey submitted to the Legislatures of their respective states, that is to say; beginning at a stone set up at the termination of the line of seventeen hundred and seventy-two and marked N. C. and S. C. September fifteenth, one thousand eight hundred and fifteen," running thence west four miles and ninety poles to a stone marked N. C. and S. C. thence south twenty five degrees, west one hundred and eighteen poles to the top of the ridge dividing the waters of the north fork of Pacolet river from the waters of the north fork of the Saluda river, thence along the various courses of the said ridge (agreeably to the platt and survey signed by the commissioners and surveyors of both states) to the ridge that divides the Saluda waters from those of Green river, thence along the various courses of the said ridge agreeably to the said platt and survey to a stone set up where the said ridge joins the main ridge which divides the eastern from the western waters and which stone is marked N. C. and S. C. September twenty eighth, one thousand eight hundred and fifteen, thence along the various courses of the said ridge agreeably to the said platt and survey to a stone set up on that part of it which is intersected by the Cherokee boundary line run in the year one thousand seven hundred and ninety seven and which stone is marked N. C. and S. C. one thousand eight hundred and thirteen: and from the said last mentioned stone on the top of the said ridge at the point of intersection aforesaid a direct line south sixty eight and one fourth degrees west, twenty miles and eleven poles to the thirty-fifth degree of north latitude at the rock in the east bank of the Chatooga river marked lat. thirty-five A. D. one thousand eight hundred and thirteen, in all a distance of seventy-four miles and one hundred and eighty-nine poles, be, and the same is hereby established as the boundary line between this state and the state of South-Carolina, from the termination of the said line of one thousand seven hundred and seventy-two to the rock in the east bank of the Chatooga river marked lat. thirty-five A. D. one thousand eight hundred and thirteen and that the agreement entered into by the commissioners aforesaid respecting the said boundary line, be and the same is hereby ratified and confirmed.

Establishing the boundary line between this State and South Carolina

II. *And be it further enacted,* That the joint report of the said commissioners submitted to this Legislature, and all other conventions and agreements entered into between the said states respecting the boundary line between the said states and the reports of the several commissioners heretofore appointed on behalf of this state to conclude such conventions and agreements shall be recorded by the Secretary of State in a well bound book, in the order in which such conventions, agreements and reports have been severally made, and that the Secretary of State be allowed for this service such sum as His Excellency the Governor shall deem the same to be reasonably worth, to be paid by the Treasurer upon a warrant from the Governor.

Secretary of State required to record the agreement

CHAP. III.

An Act providing for the appointment of Electors to vote for a President and Vice-President of the United States.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That this State shall be divided into fifteen districts for the purpose of choosing Electors for a President and Vice-President of the United States, in the following manner, to-wit: the counties of Burke, Buncombe, Rutherford and Haywood, shall compose one district. The counties of Wilkes, Iredell, Surry and Ashe, shall compose one district. The counties of Mecklenburg, Cabarrus and Lincoln, shall compose one district. The counties of Rowan and Montgomery, shall compose one district. The counties of Rockingham, Stokes and Caswell, shall compose one district. The counties of Randolph, Guilford and Chatham, shall compose one district. The counties of Richmond, Anson, Robeson, Moore and Cumberland, shall compose one district. The counties of Person, Orange and Granville, shall compose one district. The counties of Wake, Johnston and Wayne, shall compose one district. The counties of Warren, Franklin, Halifax and Nash, shall compose one district. The counties of Bertie, Northampton, Hertford and Martin, shall compose one district. The counties of Pasquotank, Gates, Chowan, Perquimons, Camden and Currituck, shall compose one district. The counties of Beaufort, Edgecombe, Pitt, Washington, Tyrrel and Hyde, shall compose one district. The counties of Craven, Green, Lenoir, Jones, Carteret and Onslow, shall compose one district. The counties of Bladen, Sampson, Columbus, Duplin, New-Hanover and Brunswick, shall compose one district. Which said districts shall be denominated Electoral Districts, that the persons qualified to vote for members of the House of Commons of the General

State divided into 15 districts.

1815. Assembly of this State in the said counties respectively, shall meet on the second Thursday of November, one thousand eight hundred and sixteen, at the place or places by law established in their several counties for the election of members of the General Assembly, and there give their votes by ballot for fifteen discreet persons, being freeholders, one of whom shall actually reside within each of the Electoral Districts as herein before laid off, that the polls shall be held in the same manner, and by the same officers, and under the same rules and regulations as the poll for election for members of the General Assembly. And in case any ticket should contain two or more names of persons residing in the same Electoral district, that one of such persons only, whose name shall be first on said ticket, shall be taken and held as the person duly voted for. And in like manner if two or more of the persons shall be of the fifteen first upon the poll who shall reside in the same district, he who shall have the greatest number of votes shall be taken and held duly elected, and the Sheriffs of the several counties, or other officers duly authorised, who shall have held the said polls, shall within two days after the day of holding the said polls, ascertain by faithful addition and comparison of the number of votes given for every person who shall have been voted for as an elector, and shall certify in words, and not in figures, under their hands in manner and form following, to wit: I A. B. Sheriff of _____ County, (or deputy sheriff, or other officer duly authorised as the case may be,) do hereby certify that an election was held on the day (or days, as the case may be) and at the place (or places as the case may be) fixed by law within the said county for this purpose, and that the number of votes herein specified opposite the names of the several persons following, was given by voters qualified to vote for this purpose, for such persons as electors for the state of North-Carolina of President and Vice-President of the United States, namely—For D. C. (here state the number of votes given for D. C.) For E. F. (here state the number of votes given for E. F.) and so on until the list of such persons so voted for, and of the number of votes shall be complete; given under my (or our) hand (or hands) as the case may be, this _____ day of _____ in the year of our Lord, eighteen hundred _____ and two fair copies of such certificate and return shall be made by the Sheriff, Deputy Sheriff or other officer, (as the case may be) under his or their hands, one of which shall be delivered to some one person among the fifteen who shall have therein the greatest number of votes given at the election poll so held by the Sheriff or other officer so certifying as the case may be, and the other shall be to the Governor of this State, within eight days after the day of holding the said polls, under the penalty of two hundred pounds, upon such Sheriff, his deputy or other officer holding such election, in the case of his or their failure in so doing, to be recovered by the Attorney General or a Solicitor to the use of the State, by an action of debt in any Court of record within this State in the name of the Governor: and the Governor shall upon the receipt of such certificates, or so many thereof as shall have been transmitted to and received by him, on or before the Monday before the first Wednesday of December next, following the day of holding said polls, proceed to ascertain from the said returns the fifteen persons for whom the greatest number of the whole number of votes throughout the State shall have been given, and he shall on or before the first Wednesday in December next following the day of holding the said polls, make out three lists of the names of the fifteen persons for whom the greatest number of votes shall appear to have been given as aforesaid, and deliver or cause the same to be delivered to the said fifteen persons so having the greatest number of votes directed by the act of Congress, and the Governor shall lay before the General Assembly for their inspection, the said certificates so by him received from the several Sheriffs as aforesaid.

II. *And be it further enacted,* That four years after the election above described and every four years thereafter, there shall be in the several counties of this State, another election of electors to vote for President and Vice-President of the United States, to be held on such days and at such places as are hereafter prescribed, and all such acts, matters and things as are herein directed to be done and observed at and after the election herein directed by the Governor of this State, and by the Sheriffs of the several counties or Deputy Sheriffs or other officers, shall be done and observed at every subsequent election by the Governor for the time being, and by the then Sheriffs of the several counties, Deputy Sheriffs or other officers respectively, under the rules, regulations and penalties herein prescribed and directed.

III. *And be it further enacted,* That the fifteen persons for whom the greatest number of votes throughout the state shall appear to have been given as aforesaid, shall be and they are hereby declared to be the electors for and on behalf of this State, to vote for President and Vice-President of the United States, and shall assemble in the city of Raleigh, on the first Wednesday of December, one thousand eight hundred and sixteen, and on the first Wednesday of December next after their appoint-

Time of holding elections.

Certificate and return.

By whom to be made.

Penalty of two hundred pounds in case of failure.

For every 4 years there shall be an election for President & Vice-President U. S.

Electors to assemble in the city of Raleigh.

1815.

ment in each and every year in which they shall be appointed, and then and there give their votes for President and Vice-President of the United States.

IV. *And be it further enacted*, That whenever the offices of President and Vice-President of the United States shall both become vacant, it is hereby declared to be the duty of the Governor of this State for the time being, upon receiving a notification of such vacancy from the Secretary of State of the United States, forthwith to issue his proclamation directing the Sheriffs of the several counties of this state or other officers to hold elections within their respective counties for the appointment of electors of President and Vice-President of the United States, on the days of the year in which such vacancy may happen, as are herein prescribed for holding the regular and stated elections, *provided* there shall be a space of two months between the date of such notification and the said first Wednesday next following the date of such notification: but if there should not be the space of two months between the date of said notification and the said first Wednesday of December, the Governor shall specify in his proclamation that the electors shall be appointed or chosen in the year next ensuing the date of such notification, on the days herein before stated, and it is also hereby declared, that the electors appointed in the manner by this section directed, shall meet at the city of Raleigh, on the first Wednesday of December after their appointment, and give their votes for a President and Vice-President of the United States.

The Governor shall issue a Proclamation on.

V. *And be it further enacted*, That each elector chosen pursuant to this act, with his own consent previously signified, failing to attend and vote for a President and Vice-President of the United States at the time and place herein directed, shall (except in consequence of sickness or other unavoidable accident) forfeit and pay two hundred pounds, to be recovered by the Attorney General or a Solicitor, to the use of the state by action of debt, in the name of the Governor for the time being, in any Court of record: and any Sheriff or other officer duly authorised for that purpose, refusing to take the poll when he shall be thereunto required by a person qualified to vote, or making, or signifying, or delivering, or transmitting a false certificate or return of an election, as herein directed, or making any erasure or alteration in the poll books, or refusing to suffer any candidate or person qualified to vote, at his or their own expence to have a copy of the poll books, shall forfeit and pay one hundred pounds, which may be recovered with costs of suit in any Court of record, by any person who will sue for the same in an action of debt, one half to the use of the person first suing therefor and the other half to the use of the state.

Forfeiture of two hundred pounds.

VI. *And be it further enacted*, That the electors appointed in pursuance of this act, shall be allowed for their travelling to and from the city of Raleigh and their attendance, the same compensation as by law is or may be allowed members of the General Assembly, and shall be entitled to the same privileges as members of the General Assembly: and the same allowances shall be made to the Sheriffs or other officers holding said elections, for holding the same and conveying the duplicate certificate to the Governor as is or may be allowed to him or them in the case of an election for members of Congress.

Electors to be allowed the salary of members of Assembly.

VII. *And be it further enacted*, That in case any of the electors chosen as by this act directed, should by sickness or any other cause not attend and give their votes as herein prescribed, the other electors then present shall and may by vote appoint some other person or persons (as the case may be) to supply the place or places of the person or persons so not attending as aforesaid; and the person or persons so appointed by the electors shall be taken and held to all intents and purposes as an elector or as electors to vote for President and Vice-President of the United States, and as such shall give his vote or their votes in the same manner as the other electors chosen in the manner herein before prescribed.

Electors may appoint electors.

VIII. *And be it further enacted*, That all laws coming within the purview and meaning of this act be repealed and they are hereby repealed and made void.

CHAPTER IV.

An act to amend an act passed in the year one thousand eight hundred and eight, chapter nineteenth respecting the duties of Sheriffs.

WHEREAS many inconveniences arise to the citizens of this State having debts due to them, by the fraudulent conduct of Sheriffs and other officers, which under the existing law cannot be detected; for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever any Sheriff, Constable, or other officer within this State shall return upon any writ of fieri facias or venditioni exponas to him directed, that he has made no sale for want of bidders, he shall state in his return the several places at which he hath advertised the sale of property on which he hath levied, and the places at which he hath offered the same for sale, and every Sheriff or Coroner failing to make such specification, shall for every

Fine of 20 pounds.

1815 omission be subject to a fine of twenty pounds, and every Constable for a like omission of duty shall be subject to a fine of five pounds for the use and benefit of the plaintiff, in the execution on which such failure shall be made, and further be liable to an indictment for a misdemeanor in office. *Provided always*, that nothing contained in this act, or any recovery under the same shall be a bar to any action for a false return against the Sheriff, Constable or other officer violating the same.

Operation of
the act sus-
pended.

II. *And be it further enacted*, That the above recited act shall be suspended in its operation until the first day of June next.

CHAP. V.

An act making it the duty of Sheriffs to serve notices of taking depositions.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Sheriff of every county in this state by himself or his lawful deputy, shall serve all notices of taking depositions in any suit depending in any of the Courts of Law and Equity of this state, which may be delivered the said Sheriff or deputy by either of the parties in said suit, their agents or attorneys, by delivering a copy thereof to the person to whom the same shall be directed, if to be found in his county, or by leaving a copy thereof at the usual place of abode of such person if in his county: and shall certify thereon the time when said notice was served or copy left at the place of abode, and such return shall be evidence of the service of the said notice as may be therein stated. And the said Sheriff or his deputy shall deliver the said notice with his return thereon to the party at whose instance the said notice issued, his attorney or agent, upon their demand of the same.

Manner of
serving no-
tice.

Penalty.

II. *And be it further enacted*, That the Sheriff neglecting to execute and return such notice or making a false return thereon, shall be subject to the same action and penalties as for neglecting to serve process directed to him from the Superior Courts of Law of this State, to be prosecuted, recovered and applied as actions and penalties are directed to be prosecuted, recovered and applied for neglecting to serve, or falsely returning process issued from the Superior Courts of this State.

III. *And be it further enacted*, That for executing every such notice the Sheriff shall be entitled to the same fees which is allowed by law for serving subpoenas for witnesses.

IV. *And be it further enacted*, That nothing herein contained shall prevent any party in any suit in Law or Equity from giving notice and proving the same as heretofore practised.

CHAP. VI.

An act for the relief of persons who have made entries of land with entry takers who have not renewed their bonds agreeable to law.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all entries of land regularly made in the books of any entry taker within this State, who has not renewed his bond agreeable to law, shall be as good and available in law and equity as if the entry taker with whom the said entries were made had renewed his bond for the faithful performance of his duty as entry taker agreeable to law, any law to the contrary notwithstanding: *Provided*, that this act shall not be so construed as to make good any entry made with any entry taker so failing after the County Court shall have appointed a successor in consequence of such failure.

CHAP. VII.

An Act to increase the Salary of the Public Printer.

Salary in-
creased \$100

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Public Printer shall hereafter receive a Salary of one hundred dollars per annum in addition to the Salary now allowed by law.

CHAP. VIII.

An Act to authorise the County Courts of this State, when they may deem it necessary, to lay a tax for the paying of Jurors of the Superior and County Courts.

Regulation of
pay.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the several County Courts within this State shall have full power and authority to lay a tax for the purpose of paying their Jurors, a sum adequate to their services, which shall not exceed one dollar and fifty cents, nor be less than fifty cents per day: and a sum equal to the daily allowance for every thirty miles travelling to and from said Courts: *Provided nevertheless*, that a majority of the Justices of said county be present when the said tax shall be laid, and that said tax shall not exceed ten cents on each poll and the like sum on every three hundred dollars value of town property, and of land, for the purpose above mentioned, which taxes shall be collected and accounted for as other County taxes are now or may hereafter be accounted for.

II. *And be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of this act are hereby repealed and made void.

CHAP. IX:

1815.

An Act making further provision in favour of the owners of Strays

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That every person who shall hereafter take up any horse, mare, gelding, colt or mule, as a stray, shall at the time he gives notice to the Ranger agreeably to the provisions of existing laws, pay to the Ranger in addition to the fees already required to be paid, the sum of one dollar for the purpose of having such stray advertised as herein after directed: and it shall be the duty of the Ranger immediately after he shall be furnished with the appraisement of the persons appointed to value the stray, to cause an advertisement to be published for at least two weeks in the paper printed by the Printer for the State, containing an accurate description of the stray as entered upon his book, the value at which the same shall have been appraised, and the name and place of the abode of the taker up, which sum of one dollar the owner shall repay to the taker up at the time of receiving his stray. *Provided always,* that if the owner of any stray horse, mare, gelding, colt or mule taken up as aforesaid, shall not prove his property within twelve months, the taker up shall be allowed one dollar in his settlement with the County Trustee over and above the fee allowed by law for taking up strays, any law to the contrary notwithstanding.

Persons taking up stray horses shall pay to Rangers \$1 to have the same advertised.

CHAP. X.

An act making further regulations for preserving the health of the seaport towns in this State.

WHEREAS, it is found necessary in all seaport towns to establish such laws and regulations as may tend to preserve the health of the inhabitants and to prevent the origin, introduction and spreading of pestilential and other infectious diseases.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all ponds of stagnant water, all cellars and foundations of houses, whose bottoms contain stagnant and putrid water, all dead putrified animals lying about the docks, streets, lanes, alleys, vacant lots or yards, all privies that have no wells sunk under them, all slaughter houses, all docks whose bottoms are alternately wet and dry, by the ebbing and flowing of the tide, all accumulation of filth in the streets, lanes, alleys and gutters thereof, all accumulations of vegetable and animal substances undergoing a putractive fermentation in any of the seaport towns of this state, are hereby declared common nuisances, productive of offensive vapours and noxious inhalations, the causes of disease, and ought to be restrained, regulated and removed.

II. *Be it enacted,* That every person possessed of a lot or lots, which from their low or sunken situation are liable to retain tide or rain water, or on which cellars or foundations for buildings may be dug and whether a tenement be erected over the same or not, shall, during the months of June, July, August, September and October, preserve and keep the said lots, cellars and foundations, dry and free from stagnant or putrid waters and other filth; any person offending herein shall forfeit and pay five dollars for the use of the town, to be recovered in the name of the Commissioners thereof for every week he, she or they shall suffer such stagnant or putrid water or other filth to remain thereon: and if the said owner or owners shall, notwithstanding the above provision neglect to remove such stagnant or putrid water or other filth, the Commissioners of the town may employ such person or persons as they may think proper, and upon such terms as to them may seem reasonable and just, to remove from the said lot or lots, cellar or foundation the said filth or stagnant, or putrid waters, which said expense shall be considered as a further fine for not complying with the provisions of this section, and shall be collected accordingly; and the said expences shall also be a lien upon the lot or lots upon which the same has been expended.

Forfeiture of five dollars.

CHAP. XI.

An act to declare the Jurisdiction of the Courts of Law of this State in relation to certain matters therein mentioned.

Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That whenever any penalty or forfeiture created by any act of the Congress of the United States, hath been or shall hereafter be incurred by any person within this State, and by such act of Congress, cognizance of such penalty or forfeiture, hath been or shall be given to the courts of record of the several states, then and in every such case the courts of law of this state are hereby declared to have and shall hereafter have jurisdiction of the same, and full power and authority to try and give judgment in all proper actions for the same, in the same manner as if such penalty or forfeiture had been created by an act of the General Assembly of this State.

II. *And be it further enacted,* That this act shall be in full force and virtue after the passage thereof.

1815.

CHAP. XII.

An act authorising the Judges of the Superior Courts of Law to grant new trials in criminal cases.

Judges of
superior courts
may grant new
trials.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Judges of the Superior Courts of Law are hereby empowered and authorised upon application of the defendant to grant new trials in criminal cases, where the defendant or defendants are found guilty, in the same manner, and under the same rules, regulations and restrictions, as in civil cases. Any law, usage or custom to the contrary notwithstanding.

CHAP. XIII.

An act to improve the inland navigation of this state, so far as respects the river Roanoke and its waters.

Navigation
company to
notify the Gov.
of their accept-
ance &c. of a-
mended char-

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the purpose of improving the navigation of the Roanoke river, and its waters in this state; the stock holders in the Roanoke Navigation Company, incorporated by an act of the General Assembly, passed in the year of our Lord, one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same," shall make known to the Governor of the State their acceptance or rejection of this amended charter, on or before the first day of March next, and if they fail to make known their acceptance or rejection on or before the said day it shall be held, deemed and taken to all intents and purposes that the said stock holders do accept this amended charter and that all their rights, privileges and franchises under the before recited act, shall thenceforward cease and determine, except as the same are granted and secured to them by this act. And in case of their acceptance either actually or impliedly as aforesaid, it shall and may be lawful to open books of subscription at Edenton under the direction of Joseph B. Skinner, Josiah Collins, jun. and James Iredell, or any two of them: at Windsor, under the direction of David Stone, Joseph H. Bryan and Joseph Blount, or any two of them: at Plymouth, under the direction of Reuben Carnall, Ezekiel Potter and Asa Hardison, or any two of them: at Halifax, under the direction of Robert Johnson, Andrew Joyner and Thomas Burgess, or any two of them: at Warrenton, under the direction of Peter P. Davis, Kemp Plummer and Robert H. Jones, or any two of them: at Oxford, under the direction of Thomas B. Littlejohn, William M. Sneed and William V. Taylor, or any two of them: at Person Court-House, under the direction of William Jeffreys, James Williamson, William M'Kissick, or any two of them: at Caswell court-house, under the direction of Solomon Graves, Barzillai Graves and Griffin Gunn, or any two of them: at Milton in Caswell county, under the direction of Thomas Boling, Warner Williams and Samuel Smith, or any two of them: at Wentworth in Rockingham county, under the direction of Robert Gallaway, James Campbell and Samuel Hill, or any two of them: at Germanton in Stokes county, under the direction of Thomas T. Armstrong, Jeremiah Gibson and Charles F. Bagge, or any two of them: at Louisburg, under the direction of Green Hill, Jordan Hill and Robert A. Taylor, or any two of them: at Raleigh, under the direction of William Boylan, Joseph Gales and Henry Seawell: and at Elizabeth City, under the direction of Charles Grice, Anthony Butler and William T. Muse, or any two of them, for receiving subscriptions to the amount of three hundred thousand dollars for the said undertaking, which subscription shall be made personally or by power of attorney, and shall be in dollars: and the said books shall be opened on the first day of March next, and be kept open until the first day of June next inclusive, and on the fourth Monday of the said month of June there shall be a general meeting of the subscribers at the town of Halifax aforesaid: and the managers aforesaid or any three of them shall give notice of such meeting in one news-paper published in the town of Petersburg, in the state of Virginia; and in one or more of the news-papers published in the city of Raleigh, in this state, one month at least before the day for that purpose appointed, and such meeting shall and may be continued from day to day, until the business is finished: and the acting managers shall then and there lay before said meeting the books by them kept containing a state of said subscriptions; and if the capital sum aforesaid shall not have been subscribed, then the managers at Halifax aforesaid may continue during the said meeting to receive subscriptions to make up the said deficiency and at such times and places, and on such conditions and terms as that or any other general meeting of stock holders shall direct, books may be opened for making up any deficiency that may still remain. The President and Directors shall immediately after the said first meeting and afterwards from time to time as often as owing to new subscriptions the same shall become necessary, make a list of the subscribers with the sums subscribed by each person, and return the same under their hands, or under the hands of any three of them to the Secretary of State to be by him recorded—and the capital sum aforesaid shall be divided

Subscription
books opened
on 1st March.

into three thousand shares of one hundred dollars each ; and any person may subscribe for one or more whole shares, but not for part of a share : the Treasurer shall subscribe on behalf of the State on the books which shall be opened in the city of Raleigh, two hundred and fifty shares : and if more than three hundred thousand dollars shall be subscribed before the said first general meeting of the subscribers, the same shall be reduced to that sum by the managers or a majority of them, by first striking off from the subscription on behalf of the state until the same is reduced to the capital aforesaid of three hundred thousand dollars, and if a greater sum remain than three hundred thousand dollars after the whole subscription on behalf of the State shall be stricken off, then the same shall be reduced by striking off a share from the largest subscriptions in the first instance, and continuing to strike off one share from all subscriptions under the largest and above one share, until the same is reduced to the capital aforesaid of three hundred thousand dollars, or until one share is taken from all subscriptions above one share, and lots shall be drawn between subscribers of equal sums to determine the numbers in which such subscribers shall stand on a list to be made for striking off as aforesaid ; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule until the sum subscribed is reduced to the capital aforesaid, or until all the subscribers shall be reduced to one share ; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded to reduce the subscription to the capital aforesaid : *Provided*, that unless fifteen hundred shares shall be subscribed, before or at the meeting of the subscribers at Halifax aforesaid on the fourth Monday of June next, all the subscriptions made under this section of this act shall be void.

The treasurer shall subscribe for the state 250 shares

II. *Be it further enacted*, That in case one thousand five hundred shares or more of said capital shall be subscribed as aforesaid, the subscribers, their heirs and assigns from the time of the said first meeting, shall be and they are hereby declared to be incorporated into a company by and under the name of "the Roanoke Navigation Company :—" And as such may sue and be sued, plead and be impleaded, defend and be defended, have perpetual succession and a common seal : and such of the said subscribers as shall be present at the said meeting or a majority of them, are hereby empowered and required to elect a President and seven Directors for conducting the said undertaking and managing all the said company's business and concerns for and during such time, not exceeding one year, as the said subscribers or a majority of them shall think fit, and in counting the votes at all general meetings of the said company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten by him or her held at the time in the said company ; and any proprietor by writing under his or her hand executed before a subscribing witness, and acknowledged or proved before a Justice of the Peace, may depute any member to act as proxy for him or her at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual to all intents and purposes as the presence or acts of his or her principal could or might be.

Navigation company may be sued.

III. *Be it further enacted*, That the President and Directors and their successors or a majority of them assembled, shall have power and authority to agree with any person or persons on behalf of the company to open and improve the navigation of Roanoke river from its source to its mouth, so far as the same lies within this state : and also to open and improve the navigation of all streams in this state running into the said river, and to make such improvements by canals, locks or sluices from place to place, and from time to time, upon such terms as they shall think fit : and out of the said capital and money arising from tolls, pay for making and repairing all works necessary for the said navigation, and also to appoint a Treasurer not one of their own body, but yet a proprietor, clerk, toll gatherers and such officers, managers and servants as they shall think requisite, and also to agree for their wages, settle and pass their accounts, and at their pleasure remove all or any of them and appoint others in their place, and also to establish rules of proceeding, and generally to transact all the business of the company in the intervals between the meetings of the same ; and any general meeting of the proprietors may allow the President and Directors such sum of money as the said general meeting may judge a reasonable compensation for their trouble. *Provided always*, that the Treasurer shall give bond and security as the President and Directors or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him : and that the allowance to be made to him shall not exceed three dollars in the hundred for the disbursements by him made, and that no officer of the said company shall have a vote in the settlement or passing his own accounts.

President &c. assembled may employ persons.

IV. *Be it further enacted*, That the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth, eighteenth

1815. and nineteenth sections of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same," shall be and the same are hereby declared to be revived and re-enacted for the benefit of the said company and shall constitute and form part of their charter.

V. *Be it further enacted*, That payments for shares subscribed for in behalf of the State shall be made by the Treasurer of the State: and the state shall stand upon the same footing with other subscribers as to the payments to be made for shares. But no payment shall be made by the state until the end of thirty days after the first general meeting of stock holders at Halifax as aforesaid.

VI. *Be it further enacted*, That the Treasurer of this state shall represent and vote on behalf of the state, in all general meetings of the stock holders: and in case of sickness or other cause which may prevent his personal attendauce, he may appoint a proxy as in the case of individual subscribers.

The company may receive toll.

VII. *Be it further enacted*, That the President and Directors of the said company be and they are hereby authorised to make or construct a turnpike road around the falls of the Roanoke river near the town of Halifax, if they shall deem the same to be advisable, until the navigation of the said river can be improved at the said falls by means of canals, locks and sluices, and to ask and receive the same tolls for commodities transported around the said falls along the said turnpike road as they would be entitled to, were the navigation improved for the transportation thereof in boats, and they are hereby authorised whenever the same shall be deemed advisable by a majority of the stock holders, out of the tolls which shall be received to construct one or more toll bridges across the river Roanoke, or any of the streams which run into the said river.

VIII. *Be it further enacted*, That the rates of toll prescribed by the eighth section of the act aforesaid, passed in the year one thousand eight hundred and twelve, may be altered from time to time by the stock holders or a majority of them in a general meeting, and other tolls established at different places on the Roanoke river and the waters thereof, so that the profits arising from the whole of the said tolls shall not in any one year exceed fifteen per centum upon the capital stock aforesaid after payment of the sums allowed annually to the officers of the said company, expenses incurred for repairs and other incidental charges.

IX. *And be it further enacted*, That for the purpose of enabling the Treasurer of this state to advance from time to time such sums of money as shall be required under this act, he is hereby authorised and directed to make a loan or loans on behalf of the state from the banks of Newbern and Cape-Fear, for the sum of twenty-five thousand dollars, upon the terms mentioned in the amended charter granted to the said banks at the last session of the General Assembly.

X. *And be it further enacted*, That the several banks in this state and all other bodies politic and corporate shall be and they are hereby authorised to subscribe for shares in the said company, and to hold and enjoy the same in the same way with other subscribers.

XI. *Be it further enacted*, That the stock holders or a majority of them in a general meeting, shall have power to make compensation to the present stock holders who subscribed for shares under the charter granted by the act passed in the year one thousand eight hundred and twelve as aforesaid for surveys which they have procured to be made, and for such charts of those surveys as may be in their possession.

CHAP. XIV.

An act concerning the Navigation of Cape-Fear river.

Rights and privileges the same as those of the Roanoke navigation company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the rights, privileges and franchises granted to the Roanoke Navigation Company, by the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth, eighteenth and nineteenth sections of an act passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river, from the town of Halifax to the place where the Virginia line intersects the same," be and they are hereby granted to the Deep and Haw river Navigation Company, and the said sections shall constitute and form part of the charter of the said company, as applied to the Cape-Fear river, and the streams which run into the same, except as herein after excepted.

II. *Be it further enacted*, That the rights, privileges and franchises of the Deep and Haw river Navigation Company shall extend from the sources of the several rivers and creeks running into the Cape-Fear river, to the mouth of the said river; and the President and Directors of the said company shall have power, and they are hereby authorised to engage persons to improve the navigation of the Cape-Fear and its waters as aforesaid, by canals, locks and sluices or otherwise as may be deemed most expedient.

III. *Be it further enacted*, That the general meeting of the stock holders in the said company shall hereafter be held in the town of Fayetteville; and books shall be opened on the first Monday of April next for receiving subscriptions for an increase of the capital stock of the said company for a sum not exceeding one hundred thousand dollars, of which sum the stock already subscribed shall constitute and form a part; and this capital sum not exceeding one hundred thousand dollars, shall be divided into shares of one hundred dollars each, and the present stock holders in the said company shall deliver to the president and directors the certificates of stock which they now hold, on or before the first Monday of June next, and receive other certificates in lieu thereof, and as to the present stock holders new certificates may be issued for part of a share, but no subscription shall hereafter be received for part of a share.

IV. *Be it further enacted*, That books for receiving the said subscriptions shall be opened under the directions of such persons as the president and directors of the company shall designate and appoint for that purpose; and shall remain open until the first Monday of June next inclusive, and that on or before the first Monday of July then next following, the said books shall be returned to John Eccles and John Winslow in the town of Fayetteville, and the said John Eccles and John Winslow, with the president and directors aforesaid or a majority of them, shall then and there proceed to ascertain the number of shares subscribed; and if the amount of the shares subscribed when added to the amount of the shares now holden by the stock holders in the said company shall exceed the sum for which the said books shall be opened, they shall proceed to strike off from the said subscriptions until the same with the amount of stock now holden shall be reduced to the capital sum aforesaid, and in striking off from the said subscriptions they shall proceed in the manner prescribed in the first section of the act aforesaid, passed in the year one thousand eight hundred and twelve, entitled "an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same."

V. *Be it further enacted*, That if the sum of fifty thousand dollars shall be subscribed in addition to the present stock of the said company by the first Monday of June next inclusive, this act shall have effect and not otherwise.

VI. And whereas many shares have been sold under the direction of the president and directors of the company for balances due thereon, and have been purchased in for the benefit of the company. *Be it further enacted*, that the books of the company shall be deemed good evidence of such sales and purchase, and also good evidence of such other sales and purchases as shall hereafter be made of shares for any balance or balances due thereon.

VII. And whereas by improving the navigation of the Cape Fear river, and the various streams which run into the said river, the said company will become entitled to tolls at different places, but of unequal amount: *Be it enacted*, that the stock holders or a majority of them in a general meeting shall have power to regulate and determine the tolls which shall be paid; and from time to time alter the said tolls, *Provided*, that the said tolls shall be so fixed, that the profits arising therefrom, shall not in any one year exceed fifteen per cent. upon the capital stock aforesaid, after payment of the sums allowed annually to the officers of the said company, expenses incurred for repairs and other incidental charges.

VIII. And to enable the Treasurer of this state to advance from time to time such sums of money as shall be required under this act, *Be it further enacted*, that the Treasurer be and he is hereby authorised and directed to make a loan or loans on behalf of the state from the banks of Newbern and Cape-Fear, for the sum of fifteen thousand dollars, upon the terms mentioned in the amended charter granted to the said banks at the last session of the General Assembly, and the said banks are hereby authorised to make such loan or loans.

IX. *And be it further enacted*, That the several banks in this state, and all other bodies politic and corporate shall be and they are hereby authorised to subscribe for shares in the said company, and to hold and enjoy the same in the same way as other subscribers.

X. *Be it further enacted*, That the capital sum aforesaid may be enlarged from time to time at the discretion of the stock holders or a majority of them in a general meeting, should the said capital sum be insufficient to complete the navigation contemplated by the company under this act, and the president and directors of the said company, whenever a majority of the stock holders in general meeting shall deem the same to be advisable, shall be and they are hereby authorised, out of the capital stock aforesaid, or the tolls which shall be received, to construct one or more toll bridges across the Cape-Fear river or any of the streams which run into the said river, and for the condemnation of lands necessary for the erection of the abutments of said bridges, and the erection of toll houses, the same proceedings shall be had as are prescribed for the condemnation for lands for canals in the act aforesaid, passed in the year one thousand eight hundred and twelve.

XI. *Be it further enacted*, That if more shares shall be subscribed upon the books which shall be opened on the first Monday of April next, than the amount of the capital sum aforesaid of one hundred thousand dollars, deductions shall be made in the first instance by striking off from the subscriptions on behalf of the state, and this shall be continued until the whole number of shares subscribed for on behalf of the state shall be stricken off, or until the sum subscribed be reduced to the capital sum aforesaid of one hundred thousand dollars, *Provided nevertheless*, that nothing contained in this act shall prevent the state from appointing a director of the said company in the event that she shall hold any shares, at any time whenever the General Assembly shall think proper to make such appointment.

XII. *Be it further enacted*, That the stock-holders in the Deep and Haw river Navigation Company shall make known to the Governor on or before the first day of March next their acceptance or rejection of this amended charter: and if they fail to make known their acceptance or rejection by the said day, such failure shall be held, deemed and taken to all intents and purposes to be an acceptance thereof.

XIII. *And be it further enacted*, That all acts and clauses of acts which come within the purview and meaning of this act, or which give rights, privileges and franchises at variance with those given by this act, but which rights, privileges and franchises have not as yet been used and enjoyed, be and they are hereby declared to be repealed and made void.

XIV. *Be it further enacted*, That after the acceptance of this amended charter by the said company, the style and title of the said company shall be, "the Cape-Fear Navigation Company," by which name they may sue and be sued, plead and be impleaded.

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CHAP. XV:

An act for cutting a Navigable Canal from the sound to Cape-Fear river, near to the place called the Haul over, in New-Manover County.

WHEREAS the cutting of a navigable canal from the sound to Cape-Fear river will be of great public utility, and many persons are willing to subscribe large sums of money to effect such a beneficial work: and it is just and proper that they, their heirs and assigns should be empowered to receive reasonable tolls forever in satisfaction for the monies advanced by them in carrying the work into execution and the risk they run.

And whereas the following persons, to-wit: Richard Bradley, John R. London, Gilbert Geer, Thomas Cowan, A. M. Hooper, S. R. Jocelyn, John Garnier, J. W. Walker, A. F. M'Neill, Hanson Kelly and Richard Nixon, have associated themselves together and have mutually agreed to subscribe to and raise the necessary funds for cutting and completing the said canal within the term of five years, therefore

Be it enacted by the General Assembly of the State of North-Carolina, That the above named persons, subscribers to the undertaking aforesaid, be and they are hereby declared to be incorporated into a company by the name of the Cape-Fear canal company, and may sue and be sued as such, and the said subscribers or a majority of them are hereby empowered and required to elect a president and four directors for conducting the said undertaking and managing all the said company's business and concerns for and during such time, not exceeding three years, as the said subscribers or a majority of them shall think fit—and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for each share, and any subscriber or proprietor by writing under his or her hand may depute any other member or proprietor to vote and act as proxy for him or her at any general meeting.

II. *And be it enacted.* That the said president and directors so elected, and their successors or a majority of them assembled, shall have power and authority to agree with any person or persons on behalf of said company, to cut the said canal and to erect such locks and gates and perform such other works as they shall judge necessary, for the navigation of the said canal, and carrying on the same from place to place and from time to time, and upon such terms and in such manner as they shall think fit, and out of the money arising from subscriptions and tolls and other aids hereafter in this act given to pay for the same, and to repair and keep in order the said canal, locks, gates and other works necessary thereto, and to defray all incidental charges; and also to appoint a treasurer, clerk and such other officers, toll gatherers, managers and servants as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle and pass and sign accounts, and also to make and establish rules of proceedings, and transact all the other business and concerns of the said company in and during the intervals between the general meetings of the same. And they shall be allowed as a satisfaction for their trouble therein, such sum of money as shall, by a general meeting of the subscribers or proprietors, be determined: *Provided always,* that the treasurer shall give bond in such penalty and with such security as the president and directors, or a majority of them, shall direct for the faithful discharge of the trust reposed in him.

III. *And be it further enacted,* That the presence of proprietors having a majority of shares shall be necessary to constitute a general meeting, which said general meeting shall be held whenever the president and directors or a majority of them, or the subscribers or proprietors owning a majority of shares shall direct, reasonable notice of such general meeting being previously given.

IV. *And be it further enacted,* That for and in consideration of the expences the said subscribers and proprietors would be at, not only in cutting the said canal, erecting locks and gates and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canal, locks, gates and other works, with all their profits, shall be and the same are hereby vested in the said subscribers and proprietors, their heirs and assigns forever as tenants in common, in proportion to their respective shares, and the same shall be deemed *real estate*, and be forever exempt from the payment of any tax imposition or assessment whatever. And it shall and may be lawful for the said president and directors at all times hereafter, to demand and receive at some convenient place near one of the extremities of the canal for all commodities, produce, &c. transported through it, tolls according to the following table and rates to-wit: for every bushel of salt, three cents per bushel, corn, peas, beans, rice and all other grain, two ditto, potatoes and other roots and other articles usually sold by the bushel, two cents per bushel—lime for every five bushels, five cents; pork per barrel, twenty-five cents; beef ditto, sixteen and one third cents; fish ditto, eight and one third cents; naval stores, ditto, five cents; all wines, ditto, twenty-five cents; all distilled spirits, ditto, twenty-five cents; West India produce other than spirits, twenty-five cents; sawed lumber per M. fifty-cents; ton and other timber, ditto, twenty-five cents; shingles, ditto, ten cents; staves and heading, ditto, sixty-two and a half cents; bricks, ditto, thirty-seven and a half cents; bacon per ct. twelve and a half cents; iron, iron ware, nails and every description of hardware, ditto, four cents; canoes with fresh fish, oysters, &c. twenty-five cents. All other merchandize, commodities, produce, goods and articles to pay as nearly as possible and may be, in the same proportion. And all pipes, hogsheads, tierces, boxes, baggs, bales, packages, bundles, to be rated and paid for accordingly in as nearly according to such manner and proportion as can be, regard being had to the size, bulk and the value of the contents or article: and in case of refusal to pay the tolls at the time of offering to pass the place aforesaid and previous to passing the same, the collectors of said tolls may lawfully refuse passage to whatever refuse payment, or if any boat, craft or raft, or commodity shall pass without paying the toll then the collector may seize such boat, craft, raft, or commodity wherever found, and sell the same at auction for ready money which so far as is necessary shall be applied towards paying the said toll and all expences of seizure and sale, and the balance shall be paid to the owner, and the person having the direction of such boat, craft, raft or commodity, shall be liable for such toll if the same is not paid by the sale aforesaid.

V. *And be it enacted,* That the said canal and works to be erected by virtue of this act, when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, on payment of the tolls imposed by this act.

VI. And whereas, it is necessary for the making the said canal, locks, gates and other works, that a provision should be made for condemning a quantity of land for the purpose. *Be it enacted,* that it shall and may be lawful for the president and directors or a majority of them to agree with the owners of any land through which the said canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, out of the state or unknown, on application to any two Justices of the county in which such land shall lie, the said Justices shall issue their warrant under their hands to the Sheriff of their county, to summon a jury of twelve freeholders of

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his county not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, and the sheriff on receiving the said warrant, shall summon the said jury, giving reasonable notice, and when met shall administer an oath to every of the said jury, that he will fairly, justly and impartially value the land, not exceeding the width of three hundred feet, and all damages the owner thereof shall sustain by cutting said canal through such land according to the best of his skill and judgment—and the inquisition thereon taken shall be signed by the sheriff and jury and returned by the sheriff to the clerk of his county, to be by him recorded—and on every such valuation the jury are hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owners of the land if known, or his or her legal representatives, and on payment thereof the said company shall be seized in fee of such lands as if conveyed by the owner to them and their successors by legal conveyance.

VII. *And be it enacted*, That it shall and may be lawful for every of the subscribers or proprietors to transfer his or her share or shares by deed lawfully executed and registered, after proof of the execution thereof in the said company's books, and not otherwise, except by devise, which devise shall be exhibited to the president and directors after probate thereof, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits of the said tolls.

VIII. *And be it enacted*, That all commodities, articles and stores belonging to the state of North-Carolina about to pass the said canal, shall and may pass the same without paying any toll whatsoever.

CHAP. XVI.

An act to incorporate a company for the purpose of rendering navigable Great and Little Contentnea creeks.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Willie J. Stanton, James Stanton, Charles Coleman, Joseph Farmer, Charles Edwards, Henry Westbrook, James G. Sheppard, Thomas Holliday, Rodrick J. Powell, Charles Jenkins, Richard Croom, Tobias Cook, William Pope, William Holliday, Elias Carr, William Maye and Jesse Rountree, and their successors, appointed as herein after directed, are hereby created a body politic and corporate in law and in fact, by the name and style of the Great and Little Contentnea creeks Navigation Company, and by the same name and style may sue and be sued, plead and be impleaded in any court in this state, and make such rules and regulations for their own government as they shall think proper; and in case of the death, removal or refusal to act of either of the said company, the majority of the acting members thereof are hereby empowered to appoint some other person or persons to fill such vacancy.

II. *Be it further enacted*, That a majority of said company shall constitute a quorum to transact business, and shall have full power to receive subscriptions and donations from such public spirited persons as may be inclined to aid such laudable undertakings and dispose of the same as they may think proper, for the purpose of cleaning out and making navigable Great Contentnea creek from its mouth to Cobbs' mills, and Little Contentnea from its mouth to Sandy run.

III. *Be it further enacted*, That the said company shall have full power by themselves or their servants to remove from the said creeks all obstructions which in their judgment shall impede the passage of boats up the said creeks, from their mouths to the heads of their navigation, and if any person shall by any act or means injure the navigation of said creeks or obstruct the passage of fish by falling in trees, fixing hedges, setting nets or traps or stretching seines across the said streams or any part thereof, such person so offending, shall on conviction thereof for each and every offence, forfeit and pay the sum of fifteen pounds, to be recovered before any jurisdiction having cognizance thereof, and to be applied to the use of the said company; and if any slave shall so offend he or she shall, on conviction thereof, for each and every offence, receive thirty-nine lashes on his or her bare back, and the master or owner of such slave shall be bound to pay all costs incurred by the said prosecution.

IV. *Be it further enacted*, That the said company shall keep open their books of subscription and donations until the first day of August next, and if at that time there shall not be a sufficiency subscribed to answer the purposes aforesaid, they are hereby authorised and empowered to raise a sum of money by way of Lottery, not exceeding five thousand dollars, to be appropriated to the opening said navigation.

V. *Be it further enacted*, That the said company, or a majority of them, shall before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond in the sum of twenty thousand dollars, with security to be approved by the County Court of Greene, and payable to the chairman thereof and his successors, and conditioned for the fair conducting said Lottery according to such scheme as they shall adopt and publish, and for the payment at the time set forth in such scheme of the prizes which shall be drawn, which bond may be put in suit without assignment for the benefit of any person injured by their misconduct or refusal to pay such prizes, at the time and in the manner set forth in such scheme as the said commissioners or a majority of them may advertise in pursuance of this act.

VI. *Be it further enacted*, That the said company for the trouble they may incur by carrying this act into effect, shall be allowed four per cent. out of all monies by them collected and appropriated agreeable to the tenor of this act.

VII. *Be it further enacted*, That this act shall be in force from and after the passing thereof, and that all acts and clauses of acts coming within the meaning and purview of this act are hereby repealed and made void.

CHAP. XVII.

An act to incorporate the town of Charlotte in the county of Mecklenburg.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the government of said town of Charlotte shall be vested in the following persons as commissioners, to-wit: William Allison, William Smith, William Carson, John Irwin and William Davidson.

II. *And be it further enacted*, That the said commissioners and their successors in office, appointed agreeable to the directions of this act, shall be and are hereby incorporated into a body corporate, by the name of the commissioners of the town of Charlotte: and by such name shall have succession and a common seal: sue and be sued; and by such name shall have power from time to time, and at all times hereafter, to make such rules, orders, regulations and bye-laws, and ordinances as to them or a majority of them shall seem necessary for the good government of said town; by laying out, amending and repairing the streets, by widening those already laid out, where it does not interfere with improvements: by making walk ways on each side of the streets: to erect pumps or wells: to provide for the strict observation of the

Sabbath day : to appoint a Town Clerk and such other persons as may be necessary for the good management and conducting thereof : by appointing a town constable or constables, town watches, patrols and overseer of streets, and to make such allowance by fee or otherwise for the services of the officers aforesaid as a majority of the commissioners may think necessary, and to make such rules, bye-laws and ordinances as to the said commissioners or a majority of them may appear necessary. And shall also have full power to take cognizance of all breaches of the said rules, bye-laws and ordinances, and enforce fines for said breaches. And the said commissioners before they enter upon the duties of their office shall take and subscribe the following oath, before some Justice of the Peace. I A. B. do solemnly swear (or affirm, as the case may be) that I will faithfully perform the duties of a commissioner of the town of Charlotte to the best of my ability and judgment, so help me God. And if at any time hereafter any of the persons appointed commissioners by this act, shall refuse to act or qualify, or shall die or remove themselves away or should be otherwise incapable of acting, the other remaining commissioners being duly qualified shall fill up such vacancy by electing or appointing some other fit person residing within said town : which commissioners so elected or appointed according to the directions of this act, shall have and possess the same power and be under the like restrictions and penalties with those in whose stead they were appointed.

III. *And be it further enacted*, That it shall be the duty of the said commissioners generally in all things to superintend the police of said town of Charlotte, and to support the peace and good of its inhabitants and others who may be there, and to suppress all riotous disorderly assemblies, especially on the Sabbath day, whether of free persons or of slaves, and for the prevention of criminal trespasses, offences or breaches of the peace, the said commissioners or a majority of them are hereby vested with adequate power and authority to punish the same by laying fines and enforcing the collection thereof : and all fines incurred and collected shall be appropriated to the benefit of said town.

IV. *And be it further enacted*, That the commissioners as aforesaid shall have full power and authority to lay such tax on the inhabitants of said town and their estates within the same as a majority of said commissioners may deem necessary, not exceeding fifty cents on each and every poll, and fifty cents on every hundred dollars worth of town property for the payment of a town watch or patrol, or for such other purposes as the said commissioners may deem necessary for the benefit and better regulation of said town.

V. *And be it further enacted*, That the town constable or constables annually appointed by said commissioners shall give bond and security to the said commissioners for the faithful performance of the duties of his office, and take and subscribe the following oath. I A. B. do solemnly swear or affirm that I will faithfully perform the office of constable for the town of Charlotte to the best of my ability and judgment ; that I will endeavor to suppress all riotous and disorderly assemblies, that I will execute if in my power, all precepts to me directed by the town commissioners, so help me God. It shall be the duty of the constable aforesaid to execute all precepts to him directed by the commissioners of said town and make due return thereof, to collect the town tax or other dues by distress of goods or otherwise, in the same manner as the county tax is collected and accounted for by the Sheriff, and in case of default thereof the town clerk shall and may proceed against the town constable before the board of commissioners, as the county trustee is authorised to do against Sheriffs : and the said constable shall be entitled to the same fees as other constables appointed by Court.

VI. *And be it further enacted*, That the said commissioners shall fix their stated meetings, which shall be at least once in three months, and if any commissioner on due notice shall fail or neglect to attend unless prevented by sickness or some other good cause satisfactory to the board, he shall forfeit and pay the sum of forty shillings, to be recovered before any Justice of Peace for the use of said town, by any person suing for the same.

VII. *And be it further enacted*, That the aforesaid commissioners when duly qualified, shall appoint one of their body to act as chairman, who shall have power at any time during the recess of their stated meetings to call a meeting of the board of commissioners, who shall be liable to the same penalties for neglecting to attend a called meeting, as they are for neglecting to attend a regular meeting.

VIII. *And be it further enacted*, That at any meeting of said commissioners, a majority of the members named in this act shall be competent to carry the same into effect, as if the whole number were present.

CHAP. XVIII.

An Act to annex part of the County of Iredell to the County of Wilkes.

WHEREAS adding part of the County of Iredell to the County of Wilkes will greatly relieve the inhabitants thereof :

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel King, Esquire of Iredell county, and Montfort Stokes Esquire of Wilkes county, are hereby appointed commissioners to run and mark a line between the aforesaid counties, as follows ; beginning at a place known by the name of Kemp's cabin, or where the present line crosses the road leading from Statesville to Wilkesborough, on Hunting creek waters, or within one half mile of said place as may seem best to said commissioners, and not depart more than one half mile from a direct line to the following points, running nearly west to Lewis Dishman's, thence to the wolf pit, on the road leading from Randolph Maberry's to Thomas Cook's, thence varying said line so as to include Joseph Queens' house, on rocky creek in the county of Wilkes, thence to the top of Archus mountain, north of John Smith's, sen. thence crossing the Cove Gap road, near Hugh Campbell's house, thence to Benjamin Bentley's plantation, whereon he now lives, thence to the dividing ridge between the counties of Wilkes and Iredell : and that from and after the passing of this act, all that part of the county of Iredell within the above prescribed bounds be annexed to and made part of the county of Wilkes, and the inhabitants thereof shall be subject and liable to the same rules, regulations and restrictions as any other of the inhabitants of the county of Wilkes.

II. *Be it further enacted by the authority aforesaid*, That it shall be the duty of said commissioners at the first Court that shall happen in the said counties, to cause to be entered on the records of said Courts a particular description of said line as by them run, which shall be considered in future as the boundary line between said counties.

1815 III. *Be it further enacted*, That nothing herein contained shall be so construed as to hinder any Sheriff, constable, collector or tax gatherer from collecting his or their taxes that are now or may be due to the county of Iredell, on any execution that may have issued from the County or Superior Courts of Iredell county, or from any Justice of the Peace, in the same manner as if this act had never been passed.

IV. *Be it further enacted*, That the aforesaid commissioners shall have power, and they are hereby authorised to employ a surveyor and other assistance, if they think necessary, and the County Court of Wilkes shall make the said commissioners such compensation as they may deem sufficient to remunerate them for any expenses and trouble they may be at; which said allowance when made shall be paid out of the county tax or any other money that may be in the hands of the trustee of said county, not otherwise appropriated.

V. *Be it further enacted*, That whereas it may be that some of the inhabitants of that part of Iredell county, that by this act is annexed to the county of Wilkes, may have made entry of land in the entry office of the county of Iredell, it is hereby declared to be the duty of the entry taker of said county to make out warrants directed to the surveyor of Wilkes county, whose duty it shall be to survey the same and make the return in the same manner as other surveys in the county of Wilkes, and be allowed the same fees for the same, any thing to the contrary notwithstanding.

CHAP. XIX.

An act to amend an act passed in the year one thousand eight hundred and ten, entitled, "an act to amend several acts heretofore passed relative to the removal of obstructions to the passage of fish up Cape-Fear river.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Joseph Minter, William Drake and George Luther, of the county of Chatham, and Malcom Shaw, jr. Alexander M'Alester, jr. and John Bethail, of the county of Cumberland, be and they are hereby appointed commissioners for the purpose of staking off, and designating one third part of the main channel of Cape-Fear river from Aversborough to the confluence of Haw and Deep rivers, or so far as a majority of them may think proper, for the purpose of admitting the free passage of fish up the same.

II. *And be it further enacted*, That it shall be the duty of the said commissioners or a majority of them, to meet together on or before the first day of March next, at such place as they may think proper to appoint, and proceed to discharge the duties herein enjoined, in marking out and designating the third part of the main channel of said river, within the bounds specified in the first section this act, and when the duties aforesaid shall be performed by the said commissioners or a majority of them, they shall give notice thereof, for the space of ten days, in three or more public places within four miles of said river, in the respective counties aforesaid, and after the expiration of the said ten days, all owners of dams, hedges, stops or traps, where they extend to or across the main channel of Cape-Fear river, within the boundaries aforesaid, shall cause the said obstructions to be removed, leaving the said one third part of the main channel open as staked out by the said commissioners or a majority of them, and they shall continue the same open at all times thereafter for the free passage of fish up the same; and every person failing to remove the said obstructions in the manner and time herein specified, shall forfeit and pay the sum of fifty pounds for every forty-eight hours, he, she or they may continue the same, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the person suing for the same, and the other half to the use of the county wherein the same was recovered.

III. *And be it further enacted*, That the said commissioners shall receive the sum of twenty shillings each, for every day they are engaged in discharging the aforesaid duties, *Provided*, the same shall not exceed six days, which allowance shall be paid by the county in which the commissioners claiming the same shall reside: and to be paid as other county claims.

IV. *And be it further enacted*, That in case of death, resignation, removal or refusal to act of any of the aforesaid commissioners, the court of pleas and quarter sessions for the county in which such death, resignation, removal or refusal to act happened, is hereby authorised to appoint others and fill such vacancies, who when so appointed, shall be, and is hereby vested with the same powers and authority as those appointed by this act.

CHAP. XX.

An act to enable the Intendant of Police and Commissioners of Raleigh to supply the city with water, and for other purposes.

WHEREAS a regular supply of good water in the city of Raleigh, (so necessary for its safety, and so desirable for the convenience and comfort of its inhabitants,) is contemplated by the Intendant and Commissioners of said city: and whereas, the expence of conducting water to the city by the means of pipes or aqueducts, will greatly exceed the utmost sum which can be raised by taxation in one year: and as the said Intendant of Police and Commissioners are elected for one year only, and have no power to bind their successors, or to borrow money upon the credit of future taxes.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Intendant of Police and Commissioners of the city of Raleigh, for the time being, shall have power to form all contracts and engagements necessary or proper for having the city supplied with water, through pipes or aqueducts; to use all proper means to that end, to accept and hold all grants of rights and privileges for such object, and to obtain by loan such sum or sums of money, beyond the unappropriated monies in their hands, as may be required from time to time to fulfil their said contracts and engagements, and enable them to effect the purpose aforesaid.

II. *Be it further enacted by the authority aforesaid*, That all sums of money which shall be borrowed in pursuance of the preceding section, and all arrearages that may be due from said Intendant and Commissioners on such contracts, shall be paid by the Intendant and Commissioners for the time being, as the same shall become due, and shall be a charge upon them, and all future commissioners until the same shall be discharged. And all future taxes for the city are hereby declared to be liable for the same.

III. *And be it further enacted*, That this act shall take effect immediately after the third Monday of January next.

IV. *Be it further enacted*, That in every sale of a lot or part of a lot for taxes, within the city of Raleigh, by order of the Commissioners, such lot or part of lot shall be sold subject to redemption within two years from the day of sale, on the owners repaying the purchase money, with an advance of twenty-five per cent. thereon.

V. *Be it enacted*, That it shall be the duty of the constable of said city, from time to time, diligently to enquire after slaves who hire their own time within the limits of the said city, and to render an account of all such to the prosecuting officer of the county, at every court of pleas and quarter sessions held for the county of Wake, whose duty it shall be to cause the said slaves to be apprehended and dealt with according to law. And the said constable shall be entitled for his services herein, to one fourth part of the hire of all such slaves as shall be convicted of said offence, for the time for which they shall be hired out by direction of said court, any law to the contrary notwithstanding.

CHAP. XXI.

An act to appoint commissioners to fix on a suitable and central place in the county of Nash, for erecting the Court-House and other public buildings, and for other purposes therein mentioned.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Jesse Bass, Littleberry White, Curtis Joyner, John Vick, Samuel Westray, David Ricks, Alexander Sorsby, Isaac Watkins, Joseph Arrington, (Sheriff) Robert C. Hilliard, Michael Collins, George Boddie, John Rice, sen. John Taylor, Bartlett Deans, William Horn, Dempsey Harrison and Pilgrim Williams, be appointed commissioners to fix on a proper place at or near the centre of said county, where the court-house, gaol and other public buildings shall be erected, and the said commissioners or a majority of them, shall be authorised to purchase not less than fifty acres of land, at such place as shall be fixed on by said commissioners for erecting the public buildings as aforesaid, in said county of Nash.

II. *And be it further enacted*, That Joseph Hopkins, Wiley Buntain, David Rix, Samuel Smith, Robert C. Hilliard, Michael Collins, Archibald Lemon, Thomas Horn and Wilson Taylor, junior, be and they are hereby appointed commissioners, with full power and authority to lay off the said ground purchased by the above commissioners, in lots of convenient size, and sell the same (except so much as is necessary for the public buildings) to the highest bidder, on a credit of nine or twelve months, and faithfully appropriate the money arising from such sale towards discharging the payments agreed on by the above named commissioners for said lands, also to discharge the expense of building a new court-house and gaol and other public buildings.

III. *And be it further enacted*, That the last named commissioners or a majority of them, shall have power to sell the old court-house, gaol and the public lands whereon the court-house now stands, on the same regulations as the lots above are to be disposed of, and the monies arising from the sales of said public lands and buildings, shall be appropriated in the same manner as the monies arising from the sales of lots first above mentioned.

IV. *And be it further enacted, by the authority of the same*, That the said commissioners or a majority of them, shall have full power and authority, for and in behalf of the said county of Nash, to execute conveyances in fee simple for all such lots or public ground as they are authorised to sell by this act.

V. *And be it further enacted*, whenever the said commissioners shall have laid off the above mentioned land into lots and erected the court-house on the public square, (that shall be left for that purpose) shall be incorporated into a town to be known by the name of Nashville.

VI. *Be it further enacted*, That until a new court-house be erected by the said commissioners, the court shall continue to be called and held at the old court-house in the county of Nash, and then it shall be adjourned from thence to the place where the commissioners appointed as aforesaid shall erect the new court-house in the town of Nashville, and ever after continue there to be held, called and adjourned from time to time.

VII. *And be it further enacted*, That should the sales above mentioned not raise money sufficient to build a court-house, gaol and stocks, the county court shall have power, a majority of the acting justices being present, to lay a tax of not more than five cents on every poll, and not more than five cents on every hundred dollars worth of lands in said county, to be levied and collected in the same manner as other taxes in said county, this last mentioned clause to continue in force until a sufficiency of money shall be raised for the above purposes and no longer.

VIII. *And be it further enacted*, That the county court of Nash shall have power to allow the commissioners aforesaid, such compensation as they may think adequate to their services, any law to the contrary notwithstanding.

IX. *And be it further enacted*, That the commissioners first named to contract for the land where the town of Nashville is to be laid out, they shall give Mr. John Alston the preference of fixing where the court-house now stands, *Provided*, he will sell his land to them upon such terms as they shall deem to be reasonable, and provided they cannot agree, they shall have liberty to purchase where the said commissioners shall think proper.

CHAP. XXII.

An act to amend the fifth section of an act, passed in the year eighteen hundred and four, entitled "an act to open and make navigable Fishing creek from the mouth thereof to Wiatt's bridge on said creek."

WHEREAS the fifth section of the above recited act, only allows the Fishing creek navigation company ten years to make navigable the said creek; therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Fishing creek company are hereby allowed until the thirty-first day of December, one thousand eight hundred and seventeen, to complete the navigation of the said creek: any law to the contrary notwithstanding.

CHAP. XXIII.

An act to facilitate the navigation of Upper Little river, in Cumberland county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all persons who now have or who shall hereafter have Saw or Grist mills erected on Upper Little river, in the county aforesaid, shall make or cause to be made, at their respective mills, good and sufficient slips, which will permit the free and safe passage of all rafts which may be passing down the said river, and the said slips when erected or made, shall by the owners of the several mills on said river, be at all times kept and upheld in good and sufficient repair for the purposes aforesaid.

II. *And be it further enacted*, That if any person shall fail to make such slip as herein directed, or

1815 when the same shall be made, shall fail to uphold and keep the same in good and sufficient repair, for the free and safe passage of rafts as aforesaid, the person or persons so failing shall be subject to the payment of all damages which shall be sustained by the owner of any raft which for the want of such slips being kept in good repair as aforesaid, shall be obstructed or injured in its passage down the said river, to be recovered by an action on the case in any court of record having jurisdiction thereof, in the name and to and for the use of the person who shall be injured as aforesaid.

CHAP. XXIV.

An act to amend an act, entitled "an act appointing commissioners for the purpose of completing the navigation of Neuse river, and for other purposes," passed in eighteen hundred and twelve.

WHEREAS, there is no provision made by the above recited act to supply vacancies which may happen by reason of death, resignation, removal or refusal to act; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Johnston, be, and they are hereby invested with full power to appoint such persons as they may think proper as commissioners to supply such vacancies as now are or hereafter may be occasioned by death, removal, resignation or refusal to act; which commissioners when so appointed, and having entered into bond as is required by the above recited act, shall have and exercise all the powers, with the commissioners appointed by the above recited act: any law, usage or custom to the contrary notwithstanding.

CHAP. XXV.

An act to provide for the removal of the public buildings in the county of Montgomery.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Rush, Edmund Deberry, Arthur Harris and George W. Davidson and James Little, be and they are hereby appointed commissioners for the purpose of fixing on a suitable place, at or within two miles of the center of said county, for the purpose of removing the present public buildings thereon, or erecting a new court-house, prison and stocks for the use of said county, and the said commissioners or a majority of them, are hereby authorised and empowered to purchase fifty acres of land, and to lay off two acres thereof, where the same may appear to them the most advisable, for the purpose herein mentioned, and which shall be considered the permanent seat of the courts of said county; and the balance of the said fifty acres shall be laid off as a majority of the said commissioners may direct, in lots of one half acre each, intersecting the same with such streets or highways as to them shall seem fit and convenient, and when the same shall be so laid off, they shall sell said lots at public sale, giving sufficient notice thereof, on a credit of six months, and to apply the proceeds thereof to the payment of the lands so purchased, and in carrying into effect the purposes of this act.

II. *And be it further enacted, That it shall be the duty of the said commissioners, as soon as they shall have laid off the said two acres of land, to let to the lowest bidder the contract for building or removing the public buildings of said county, first giving due notice thereof, in the manner which may appear to them the most advisable.*

III. *And be it further enacted, That the county court of Montgomery, be, and they are hereby empowered and directed to lay a tax annually, not exceeding twenty-five cents on each poll, and eight cents on every hundred dollars worth of lands and their improvements in said county, until a sufficient sum is raised for the defraying of the expense incurred in the removal or erection of the public buildings aforesaid.*

IV. *And be it further enacted, That as soon as the said public buildings shall be completed, it shall be the duty of the said commissioners to report the same to the justices of the County Court, at the next court which shall be holden for said county after the same shall be finished, and the Superior and County Courts, for said county, shall be holden at the place by them so established, forever thereafter.*

V. *And be it further enacted, That the tax laid pursuant to this act, shall be collected, by the sheriff of said county, and the same shall be by him paid over to the said commissioners, for the purpose of being applied in defraying the expenses, incurred in carrying this act into effect, and the same shall be applied by them accordingly.*

VI. *And be it further enacted, That the said commissioners or a majority of them are hereby directed to make titles or fee-simple to all purchasers of lots by them so laid out, and sold as aforesaid, and also shall execute a conveyance to the Chairman of the court of said county, and his successors for ever, for the said two acres of land so reserved for public use, as aforesaid.*

VII. *And be it further enacted, That the said commissioners or a majority of them, are hereby impowered to sell at public sale, giving forty days notice, the lot or lots of ground heretofore reserved for the public use in the town of Henderson; and all or so much of the public buildings as are now erected in said town as the said commissioners may deem unfit for use in carrying this act into effect, and the monies arising from such sale shall be by them applied in building the new buildings pursuant to this act; and should any money remain in the hands of said commissioners after the said buildings are finished, the same shall be paid over to the county trustee for the use of the county.*

VIII. *And be it further enacted, That the county court for said county is hereby authorised to allow the commissioners herein mentioned such compensation for their services as they may deem necessary.*

CHAP. XXVI.

An act to incorporate a company to make a Turnpike Road from Pungo River in Hyde county, to the town of Plymouth in Washington county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Currell, William Harmond and Hossea Gailard, of Washington county, and Seth B. Jordan, John Davis and Major John Clark, of Hyde county, be, and they are hereby declared to be a body politic and corporate, under the name of the Plymouth Turnpike Company, by which name they shall sue and be sued, plead and be impleaded; they shall have perpetual succession and a common seal; shall have power to appoint directors and to make byelaws for the well ordering and management of the concerns of the said company, not inconsistent with the laws of the state; to appoint all necessary officers, and to establish rules for receiving subscriptions of stock authorised by this act.

II. *Be it further enacted, That the said company be, and they are hereby authorised to make a turnpike road from some point on Pungo river in Hyde county, to be determined on by the said company, to the town of Plymouth in the county of Washington, of such width, and constructed in such way, as the said*

company deem best ; and when the said turnpike road shall be completed, the said company shall receive such tolls as the commissioners herein after mentioned, shall, from time to time, prescribe.

III. *Be it further enacted*, That for the purpose of raising a sum of money sufficient to complete the said turnpike road, the said company may, at any time after the first day of January next, and at such places as they may deem proper, open books for receiving subscriptions of stock to an amount not exceeding twenty thousand dollars, in shares of twenty-five dollars each, and may keep open the said books for such time as the said company shall deem proper ; and if a greater number of shares shall be subscribed, than that for which the books shall be opened, deductions shall be made according to such rules as the said company shall have previously prescribed.

IV. *And be it further enacted*, That the county courts of Washington and Hyde, shall upon the application of the said company, appoint four commissioners each ; and the said commissioners, or a majority of them, shall establish the rates of toll which shall be demandable by the said company ; and the said commissioners, or others to be appointed in like manner, or a majority of them, may, upon the application of the said company, from time to time, alter the said rates of toll.

V. *Be it further enacted*, That the stock-holders in the said company shall annually appoint five discreet persons, as directors of the affairs of the said company ; and any three of the said directors may constitute a board for the transaction of business. In the meetings of the stock-holders ; each stock-holder shall be entitled to give one vote for each share he holds, as far as five shares, and one vote for every three shares which he holds over and above five shares.

VI. *Be it further enacted*, That the stock-holders, in the said turnpike company, shall hold the shares which shall belong to each, to them, their heirs and assigns forever, as tenants in common, and the said shares shall be devisable and transferable ; but the company may prescribe the rules for transferring the said shares.

VII. *Be it further enacted*, That the term of ten years be, and the same is hereby allowed to the said company, to complete the said turnpike road.

CHAP. XXVII.

An act relative to Fish Traps on the Yadkin or Pee Dee river.

WHEREAS it is represented to this General Assembly, that a great number of young shads are caught and destroyed by the Fish Traps on said river, between the fifteenth day of October and the fifteenth day of December, in consequence of the laths of the said Traps being so close to each other, as to prohibit their passage down to the salt water, therefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all owners of Fish Traps on the Yadkin or Pee Dee river, shall, on or before the fifteenth day of October in each and every year, open and separate the laths of their respective Traps, for the space of three inches at least between each lath, and shall continue the same open until the fifteenth day of December following, under the penalty of twenty-five pounds for each and every offence, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the person suing for the same, and the other half to the use of the county in which judgment was obtained.

II. *And be it further enacted*, That Thos. Norwood and John Lilly, of the county of Montgomery, Josiah Allen and John Threadgill, of the county of Anson, and Jeremiah Dumas and Peter Hunter Cole, of the county of Richmond, be, and they are hereby appointed commissioners for the purpose of enforcing strict compliance with this act, and to institute suits where the same is violated by the owners of Traps on said river as aforesaid, and to see that the same is carried into effect.

III. *And be it further enacted*, That a majority of said commissioners shall be competent to discharge the duties herein enjoined : and each of the said commissioners shall receive the sum of ten shillings for each and every day they are engaged in the above duties.

IV. *And be it further enacted*, That a tax of twenty shillings shall be levied and collected from all owners of seines on said river, for the purpose of raising a fund for the payment of the said commissioners, which collection shall be made by the Sheriff of the county in which such seine is used, and by him applied as aforesaid.

CHAP. XXVIII.

An act to amend the several county laws in the county of Rutherford, respecting the finance of said county, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the county of Rutherford, shall at all times be vested with full power and authority to lay any sum of money upon the citizens as a county tax, not exceeding thirty cents upon the poll, and ten cents on every hundred dollars worth of lands, with their improvements, nor more than twenty cents on every hundred pounds value of town property, that in their judgment will be sufficient to discharge the whole of the county debt, a majority of the acting justices being present.

II. *And be it further enacted, by the authority aforesaid*, That the wardens of the poor shall be also vested with power and authority to lay a poor tax, not exceeding twenty-five cents on the poll, nor more than eight cents on every hundred dollars value of lands, with their improvements, nor more than twenty cents on every hundred pounds value of town property. Sufficient to discharge and pay off all the demands and charges that may be against them for keeping the poor of said county.

III. *And be it further enacted*, That when any person holding county claims or due bills that are barred by statute, all such persons shall have until the first day of July next, to apply to the clerk of the court or wardens, who signed the ticket, and the clerk or wardens, as the case may be, are hereby authorised to take in the old claims and give others for the same sum to each and every person applying, agreeable to the provisions of this act ; and the clerk shall certify all such tickets, as is directed by the act of one thousand eight hundred and eleven.

IV. *And be it further enacted*, That from and after the first day of January next, the comptroller shall number all county claims and due bills, that shall be enrolled by him, and insert the number in his book, and upon the claims and due bills ; and after all that are enrolled before the said first day of January, shall be paid off, the county treasurer shall then begin and pay off the county claims and due bills, according to their several numbers.

1815 V. *And be it further enacted*, That after the first day of January next, it shall not be lawful for the county treasurer to receive any county claims or due bills, from the Sheriff, that he had not purchased before that day, in discharge of any county or poor tax, that may be laid by the court or wardens of said county, but he shall be obliged to pay over cash into the county treasury, so that the county treasurer may have the money to pay the claims agreeable to their numbers, and the comptroller every three months, shall report to the county treasurer all claims and due bills that are enrolled with him, with their several numbers, but the comptroller shall not enroll any ticket that is not certified as the law directs.

VI. *And be it further enacted*, That the standing committee shall direct the comptroller to enroll the allowance that they shall or may allow to the county treasurer and comptroller, and also their own attendance, at fifteen shillings for each days attendance upon the duties of their appointments.

VII. *And be it further enacted*, That the book of the standing committee shall be kept in the clerk's office, free to the inspection of all persons, and the claims or due bills, after being punched by the committee, shall be laid up in the clerk's office—as they are no part of the records, the clerk shall not be considered responsible for them. *Provided always*, that the committee shall have a right at all times, to take out their book, or any papers that they may have placed in the clerk's office, when they think proper.

VIII. *And be it further enacted*, That the separate election heretofore established and held at the Island ford, on Broad river, is hereby done away in as full and ample a manner as if the same had never been established: any law to the contrary notwithstanding.

IX. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

CHAP. XXIX.

An act appointing commissioners for the town of Kinston, and other purposes.

WHEREAS the greater number of commissioners, appointed by a former act of Assembly, are dead or have refused to act, and it being doubted whether those remaining have power to supply the vacancies by electing others;

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Croom, John Gatling, Frederic Jones, Lewis Bryan and William Lovick, be and they are hereby appointed trustees and directors of said town, in place and stead of those appointed by or elected in virtue of the aforesaid act, and shall and may use and exercise the same power and authority, that the former commissioners could or might have done.

II. *And be it further enacted*, That the said commissioners, or such as they may hereafter appoint, shall before they enter on the duties of their appointment, take and subscribe the following oath, before some justice of the peace, viz. I A. B. do swear that I will faithfully discharge the office and duty of commissioner for the town of Kinston, agreeably to law, according to the best of my knowledge, so help me God.

III. And whereas, the streets of said town are not laid off perfectly straight, and the proper records not to be found, *Be it therefore enacted*, That the commissioners, as soon as may be after their being qualified to act, shall cause a resurvey of said town, under their superintendence, together with a map or plan, accurately describing the situation of said town and town commons: also to straighten the streets and establish lines for the same and for the town commons, which lines when so established, shall be considered as the true lines; any law, usage or custom to the contrary notwithstanding. *Provided nevertheless*, that nothing herein contained, shall be so construed as to interfere with any house or building heretofore erected in said town.

IV. *And be it further enacted*, That as soon as a map of said town of Kinston, shall have been made out, it shall be the duty of the commissioners to cause the same to be recorded in the register's office of the county of Lenoir, together with the situation of the town, the width and names of the streets agreeable to the former names, and also the width and length of the town commons, and the number of acres of land therein contained.

V. *And be it further enacted*, That as soon as a resurvey of the said town shall have been made, the commissioners shall be authorised and empowered by virtue of this act to sell at public auction, on a credit of twelve months, so much of the town commons, not exceeding six acres, as they may think proper, to be laid off on the north east corner and adjoining said town, and that they be authorized and empowered to make or execute a deed of sale to the purchaser or purchasers of said land.

VI. *And be it further enacted*, That so much of the money arising from the sale of the town commons above mentioned, as will defray the expences arising from the resurveying and making out a plan of the town, may be by the commissioners appropriated to that use, and the remainder, if any, to be paid to the trustees of the Academy that is to be built at or near Kinston, by a company of the citizens of Lenoir, and to be by them appropriated exclusively to the benefit of the Academy, as they may think proper.

VII. *And be it further enacted*, That so much of the acts of Assembly, for establishing the town of Kinston or amendments thereto, as is repugnant to or inconsistent with this act, is hereby repealed and made void.

CHAP. XXX.

An act to authorise the several persons therein named to collect the arrearages of taxes due them as late Sheriffs of their respective counties.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Andrew M'Bride, sheriff of the county of Mecklenburg, for the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen; Henry Westbrook, sheriff of the county of Green, for the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen; Rotheas Martin, sheriff of the county of Hyde, for the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen; John Stamps, sheriff of the county of Caswell, for the years one thousand eight hundred and ten, one thousand eight hundred and eleven, one thousand eight hundred and twelve, and one thousand eight hundred and thirteen; Charles Grice, sheriff of the county of Pasquotauk, for the years one thousand eight hundred and eleven, one thousand eight hundred and twelve, and one thousand eight hundred thirteen; Edmund Deberry, administrator of Willie Smith, deceased, sheriff of the county of Montgomery, for the years one thousand eight hundred and thirteen, and one thousand eight hundred fourteen; Athan A. M'Dowell, sheriff of the county of Burke, for the years one thousand eight hundred and twelve

and one thousand eight hundred and thirteen; Stephen Gilmore, sheriff of the county of Cumberland, for the years one thousand eight hundred and twelve, and one thousand eight hundred and thirteen; John Gandy, late sheriff of Nash, for the year one thousand eight hundred and thirteen; be and they are hereby authorised and empowered to collect the arrearages of taxes due them in their respective counties, for the years above stated; which collections shall take place under the same rules, regulations and restrictions, as are already prescribed for the collection of public taxes: *Provided nevertheless*, that the authority hereby granted shall not extend to the collection of taxes from executors or administrators of the estates of deceased persons, from those who have removed from their respective counties, or from those who shall voluntarily make oath that he, she or they have paid the same: And *Provided also*, that this act shall continue in force for twelve months from the ratification thereof, and no longer.

VII. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

CHAP. XXXI.

An act to authorise the county court of Montgomery to appoint a committee of finance to settle with the officers of said county, therein mentioned.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of pleas and quarter sessions for the county of Montgomery, be, and they are hereby directed to appoint at the first court after the first day of May next, three persons of skill and probity, to act as a committee of finance, for the purpose of investigating and settling with the former, present and future sheriffs, treasurers and other officers of said court.

II. *And be it further enacted*, That a majority of said committee are hereby declared competent to act and discharge the duties herein enjoined: and should any member of the committee so appointed, die, remove, refuse to act or resign, the said county court is hereby declared to possess full power and authority to appoint others to act in the same capacity.

III. *And be it further enacted*, That if any balances or dues are found by the said committee or a majority of them, to be due and owing to said county, it shall be their duty to institute suit against such delinquents, in the name of the chairman of said court, on their failing to make full payment of the same: and the report of the said committee shall be taken as prima facie evidence on the trial of such suit or suits.

IV. *And be it further enacted*, That each member of the said committee shall be allowed the sum of two dollars, for each and every day they are necessarily engaged in the settlement with the aforesaid officers, in making out reports of such settlements, and in performing the duties enjoined on them by this act. Which allowance shall be paid in the same manner as other county claims.

V. *And be it further enacted*, That all monies received by the aforesaid committee in virtue of this act, shall be paid over to the order or orders of the said county court, and to be applied to the use of the county, as a majority of said court may direct.

VI. *And be it further enacted*, That when any allowance is to be made for any claim or claims against said county, there shall be a majority of the acting justices present.

CHAP. XXXII.

An act to authorise the county court of Wilkes to lay a tax for the purpose of building a new Jail in said county, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the county court of Wilkes, to lay a tax for the years one thousand eight hundred and sixteen, one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen, should a majority of the acting justices deem it expedient and necessary, not exceeding twenty cents on each and every poll, not exceeding six cents on every hundred dollars value of lands with their improvements, and not exceeding six cents on each hundred dollars value of town lots with their improvements, and that the said court shall have full power to continue such tax from year to year, until a sufficiency of money shall be collected to defray all the expences of building a new and sufficient Jail in said county.

II. *And be it further enacted*, That when such tax is laid and collected by the sheriff of said county, it shall be his duty to pay the monies so collected over to the undertaker or undertakers of said building, and his receipt shall be a sufficient voucher in his settlement with the county trustee.

III. *And be it further enacted*, That the commissioners herein after named, shall let out said building to the lowest bidder, advertising at least six weeks previous to letting out said building, describing therein particularly the length, breadth, how to be built and out of what kind of materials.

IV. *And be it further enacted*, That Montfort Stokes, James Hackett, John Finley, Jesse Robinett, esquires and Nathaniel Gordon, are hereby appointed commissioners for fixing on a proper place, within the bounds of the public square of the town of Wilkesborough, whereon to build said jail, and when the building of said jail is let out as aforesaid, they shall take bond with sufficient security from the undertaker or undertakers of said public building, to complete the same agreeable to the plan laid down as a.

V. *And be it further enacted*, That the said commissioners, as herein appointed, shall on or before the first day of October next, proceed to let out the building of the jail aforesaid, to the lowest bidder, and the undertaker or undertakers thereof shall build the same agreeable to the plan agreed upon, and within the time set forth in the publication of their proposals.

VI. *And be it further enacted*, That all monies heretofore collected, and which is still due under an act of the General Assembly, passed in the year one thousand eight hundred and thirteen, entitled an act authorising the county court of Wilkes to lay a tax for the purpose of building a new jail in said county, be appropriated to the building of the said new jail and to no other purposes, any law to the contrary notwithstanding.

CHAP. XXXIII:

An act to amend an act passed in the year one thousand eight hundred and twelve, entitled "an act to incorporate a company to build a bridge across Tar river, near the town of Washington, and to make a road through a swamp adjacent thereto."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, five directors shall be sufficient to constitute a board for the transaction of business agreeable to the provisions in the tenth article of the aforesaid act, and the sixth

1815 rule in the tenth article of the aforesaid act, so far as requires seven directors to constitute a board, is hereby repealed.

II. *Be it further enacted*, That whenever the president, directors and company of the aforesaid bridge, may wish to repair, rebuild or otherwise improve the same, they are hereby authorised and fully empowered to substitute a boat or boats, in lieu of the bridge, until such repairs, rebuilding or improvements shall be completed, and the rates of ferriage shall be the same as the rates of toll already established by the law incorporating the Washington toll-bridge company. *Provided*, that the said privilege of keeping up a ferry during the reparation of said bridge, shall not at any one time extend beyond the term of six months.

III. *And be it further enacted*, That the president and directors of the Washington toll-bridge company, shall be able and capable in law to purchase, possess and enjoy in their corporate capacity, lands, tenements and hereditaments, with all and singular their appurtenances to the same, belonging or in any wise appertaining in fee simple, for life or years, and the same again to sell and dispose of at will: *Provided*, that the said lands, tenements and hereditaments, (exclusive of the bridge itself) shall not altogether exceed in value the sum of five thousand dollars, any law to the contrary notwithstanding.

CHAP. XXXIV.

An act to establish a Poor House in the county of Guilford.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the wardens of the poor in the county of Guilford, or a majority of them, as soon as they may deem it necessary alter the passing of this act, to make application to the court of pleas and quarter sessions for said county, and the court is hereby directed and empowered to lay a tax not exceeding ten cents on every poll, five cents on every hundred dollars value of land, and five cents on every hundred dollars value of town property, to be collected and accounted for as other taxes are in said county, which tax when collected, shall be paid into the hands of the wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage, in procuring a piece of land, either by purchase or otherwise, in or within four miles of Greensborough, and to build or cause to be built thereon, a house or houses, fit for the reception of the poor of said county; under which denomination shall be comprehended all such persons of either sex, as shall be adjudged by the wardens incapable, through age or infirmities, to procure subsistence for themselves, and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and provided with suitable diet, clothing and fuel, and to enforce all such regulations as shall be established from time to time, for the well ordering and governing said poor. Which regulations the said wardens are hereby empowered to make: and it shall be lawful for said court to renew the imposition of said tax from year to year, if necessary, either to complete the said building or defray the expences that may be occasioned by the keeping up the same. And the said overseer for his services shall be allowed for each year, such sum as the wardens may deem adequate, to be paid out of the tax laid for that purpose: and the keeper or overseer of said poor is hereby required to keep at moderate labour, such of the poor under their care as they shall judge capable of labour, and at the end of each and every year, shall account to the wardens of said county on oath, for all such sums which may have arisen from the labour of such poor: and have the same deducted from the amount of their expenditures. Any law to the contrary notwithstanding.

CHAP. XXXV.

An act to encourage the destruction of Wolves in the county of Ashe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, every person who shall kill a Wolf in the said county of Ashe, shall be allowed the sum of twenty shillings, and so in proportion for a greater number, to be paid by the county trustee, out of the tax herein laid for that purpose, and in the manner herein after directed.

II. *And be it further enacted*, That every person claiming the benefit of the bounty hereby granted, shall produce the scalp or scalps of the Wolves so killed, before one or more Justices of the Peace in the said county of Ashe, and there make oath that the said Wolf or Wolves were caught and killed in the said county of Ashe. And the Justice or Justices shall grant a certificate thereof, specifying the number of scalps produced by each person, and the year in which they were killed: and it shall be the duty of the said Justice or Justices to burn or otherwise destroy the said scalps in presence of the persons claiming a reward for the same: and the person entitled to the reward as aforesaid, shall produce the certificate of the Justice or Justices to the county trustee, who shall pay the claimant accordingly, at the rate of twenty shillings for every scalp as aforesaid.

III. *And be it further enacted*, That the county court of Ashe, (a majority of the acting Justices of the peace being present) shall lay a tax not exceeding six pence on every poll, and two pence on every hundred dollars value of land in said county, for defraying the expenses incurred by virtue of this act; to be collected and accounted for as other taxes.

CHAP. XXXVI.

An act respecting the Newbern and Iredell Academies.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at the next election of trustees of the Newbern Academy, twelve persons shall be elected trustees of the said Academy in addition to the number now required by law, who shall be classed, and hold the said offices agreeably to the existing laws.

II. *Be it further enacted*, That in future eight trustees shall form a quorum, and be competent to discharge the duties of the board of trustees.

III. *And be it further enacted*, That the Academy established in the county of Iredell, by an act of Assembly of one thousand eight hundred and fourteen, heretofore known by the name of Clie Academy, shall hereafter be known by the name of Statesville Academy.

CHAP. XXXVII.

An act to incorporate the Fayetteville School Association Company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Terry, Thomas Hearin, Edmund Blake, Eli Terry and Henry Branson, or a majority of them, shall be, and they are hereby appointed commissioners to open books of subscription for the sum of ten thousand dollars, for the use of the Fayetteville School Association Company, in shares of twenty-five dollars each, and as soon as one thousand dollars of the above sum is subscribed, to put the School into operation, there shall be a meeting of the stock-holders, and on the last Friday in June in each and every year thereafter, there shall be an annual meeting of the said stock-holders for the purpose of electing five trustees, and to transact all other business that may be necessary for the good of the School, at which meeting each stock-holder shall have a vote for each share which he holds.

II. *And be it further enacted*, That the stock shall be transferable by assignment, which shall be registered in the books of the company by their secretary, and the trustees shall from time to time employ one or more teachers, as they or a majority of them may deem proper for the benefit of said School.

III. *And be it further enacted*, That the subscribers to the said School, their successors or assigns, be and they are hereby created a body politic or corporate, in law and in fact, by the name and style of the Fayetteville School Association Company, and by the name and style aforesaid, shall be able and capable in law to have, purchase and possess such lands and tenements, as may be necessary for the School, not exceeding in value twenty thousand dollars: and the same to sell, grant, demise or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any courts of record in this state.

CHAP. XXXVIII.

An act for the better regulation of the police of the town of Tarborough.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, each and every person who shall be elected a magistrate of police or a commissioner for said town, shall within ten days thereafter, unless prevented by sickness or unavoidable accident, duly take the oath of qualification.

II. *And be it further enacted,* That if any person or persons so elected shall refuse to take the oath of qualification, that such person or persons shall forfeit and pay the sum of ten pounds, to be recovered before any authority having competent jurisdiction of the same, and deposited in the hands of the town treasurer, for the use and benefit of said town.

III. *And be it further enacted,* That the commissioners so elected and qualified shall meet on the first Thursday of each and every month, at such place as may be agreed on by themselves, to transact the business of the board: and each and every commissioner failing to attend, unless prevented by sickness, unavoidable accident or good cause, for every such failure, forfeit and pay the sum of twenty shillings, to be recovered, collected and applied as above, any law, usage or custom to the contrary notwithstanding.

CHAP. XXXIX.

An act to appoint commissioners for fixing on a suitable and convenient place for holding the separate election in the county of Stokes, heretofore held at the house of John Ward, in said county

WHEREAS it has been represented to this General Assembly, that John Ward is unwilling that the election established at his house should continue to be held there in future, for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Peter Hirston, John Ward, Ferdinand Bostick, John Right and Peter Burton, be appointed commissioners, and they or a majority of them, are hereby authorised and directed before the second Monday in June next, to fix on a convenient and suitable place for holding the separate election, which has heretofore been held at the house of John Ward, in the county aforesaid, and when the place shall be so fixed on by a majority of the commissioners as aforesaid, said election shall be held at such place, on the same days, in the same manner and under the same rules, regulations and restrictions, as are prescribed for the government of other elections in said county, any law to the contrary notwithstanding.

II. *And be it further enacted,* That the said commissioners shall make report to the court to be held for the county aforesaid, during their sessions in June next, of the place designated by them for holding said election, and moreover shall cause the same to be advertised at the court-house door of said county, during their sessions aforesaid, and at least four of the most public places within the district in which said election is to be held, forty days preceding the next annual election.

CHAP. XL.

An act to regulate the working of Seines and Nets in Tar and Pamlico rivers.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That on Thursday's and Thursday nights, or on Sunday's and Sunday nights in any week from the fifteenth day of January to the tenth day of April in each and every year, no person or persons shall work a seine or skimming net, or set a net in Tar and Pamlico rivers, from the mill dam at the Great Falls to the fork point below Washington, under the following penalties, that is to say, that any person or persons who shall be found working a seine, on those days or nights, contrary to the true intent and meaning of this act, shall for each and every offence, on conviction, forfeit the sum of forty pounds; for working a skimming net or setting a net, on conviction thereof, the sum of ten pounds, to be recovered before any competent jurisdiction, one half to the use of any person, who may sue for the same, and the other half to the use of the poor of the county in which such recovery is made.

II. *And be it further enacted,* That if any slave or slaves, shall be convicted before any justice of the peace of having violated this act, he or they shall receive thirty lashes on his or their backs, and the master or owners shall be subject to pay the costs of prosecution and whipping.

III. *And be it further enacted,* That any law or clauses of laws coming within the purview of this act, is hereby repealed.

CHAP. XLI.

An act authorising certain persons therein named to erect a Draw Bridge across Pungo river, at the Log House landing in Hyde county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Israel Wilkerson, sen'r. James Leith, James Latterthwaite, Major John Clark and James Salchwell, be and they are hereby appointed commissioners with full power and authority to build a Draw Bridge across Pungo river, at the Log House landing in Hyde county, by subscription or otherwise, as they may deem most expedient. And the Draw Bridge shall be so constructed as to be easily drawn, that vessels of any burthen that can come up said river, may pass through without being obstructed by said draw, and if there shall not be a sufficient sum received by subscription to complete the building aforesaid, and the aforesaid commissioners should build the same or cause it to be built, the said commissioners are hereby empowered and authorised to receive the following toll to-wit: for every four wheel carriage, forty cents; for every two wheel carriage, the sum of twenty-five cents; for every man or horse, ten cents, until the balance be made up to said commissioners, after which, said Bridge shall be free from toll: *Provided,* that no subscriber for building said Bridge, shall be subject to pay toll at any time whatever, *Provided,* that such subscriber shall sign and pay to the amount of five dollars.

CHAP. XLII.

An act further regulating the separate elections in the county of Camden.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future it shall be the duty of the sheriff of Camden county, to open the polls at the several separate places of elections in said county, at 11 o'clock, A. M. and close the same at 5 o'clock, P. M. in lieu of the times heretofore prescribed: and that it shall be the duty of the sheriff aforesaid, at the time he advertises the elections agreeably to the existing laws, to give notice of the alteration made by this act.

CHAP. XLIII.

An act to establish one other separate election in the county of Moore.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Archibald Wadsworth, Duncan Buie and Alexander Cameron, be, and they are hereby appointed commissioners for the purpose of ascertaining and fixing on a suitable place for holding a separate election in the county of Moore, convenient to the inhabitants of Crane's creek; and when the places shall be so fixed on by the said commissioners or a majority of them, it shall be the duty of the sheriff or his lawful deputy, of said county, to open and hold a separate election thereat, for the purpose of electing members of the General Assembly of this state, representatives to Congress and electors to vote for a President and Vice President of the United States; which election shall be holden on the same day, and under the same rules, regulations and restrictions as are prescribed by the existing laws, for the regulation and government of other separate elections in said county.

CHAP. XLIV:

An act to alter the place of holding a separate election in the county of Chatham.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at the house of William Avent, on Cape-Fear river, be hereafter held at the house of Peter Farrar, in said county, under the same rules, regulations and restrictions, as other separate elections are held in said county; any law to the contrary notwithstanding.

CHAP. XLV.

An act to establish one other separate election in the county of Lincoln.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future there shall be held one other separate election in the county of Lincoln, at the house of Frederick Hokes, sen. for the purpose of electing members of the General Assembly, representatives to Congress and electors to vote for President and Vice President of the United States, which election shall be holden on the same day and under the same rules, regulations and restrictions, as are prescribed for the regulation and government of other separate elections in said county.

CHAP. XLVI.

An act specifying the time of closing the elections in the county of Chowan.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future it shall be the duty of the sheriff of the county of Chowan, to close the polls of the different elections of said county, at the hour of five o'clock in the afternoon of the day in which they are respectively held. And that it shall be the duty of the sheriff, at the time of his advertising the days on which the election is to be holden, to give notice of this amendment of the law, compelling him to close the poll as aforesaid; any law, usage or custom to the contrary notwithstanding.

CHAP. XLVII.

An act to remove a separate election in the county of Nash.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a separate election shall in future be opened and held at the house of Ricnard Arrington, in said county, at such times as are prescribed by law for electing members of the General Assembly, representatives to Congress and electors to vote for President and Vice President of the United States; which election shall be opened, closed and conducted on the same day, and under the same rules, regulations and restrictions, as are prescribed for the government of other separate elections in said county.

II. *And be it further enacted,* That so much of the existing laws as relate to the establishment of a separate election at the house of James Mannings in the county aforesaid, be, and the same is hereby repealed and made void.

CHAP. XLVIII.

An act for the removal of a separate election in the county of New-Hanover.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the separate election, which has been heretofore established at John P. Williams's old mills on Holly Shelter, in the county of New-Hanover, be, and the same is hereby removed to, and established at the house of Benjamin Rochelle, which separate election shall be opened and held for the same purposes, on the same days, and under the same rules, regulations and restrictions, as are now prescribed by law for the regulations and government of other separate elections in said county.

CHAP. XLIX.

An act to alter the place of holding one separate election in the county of Northampton.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a separate election, in future, shall be opened and held at the house of John Darden, sen. in the county of Northampton, on the day next succeeding that which is held at Sikes's store, in each and every year, which shall be opened, held and closed in the same manner, and for the same purposes, and under the same rules, regulations and restrictions, as other separate elections in said county.

II. *And be it further enacted,* That so much of the existing laws as establish a separate election at Adams's cross roads in said county, be and the same are hereby repealed.

CHAP. L.

An act to establish a separate election in the county of Surry, and to alter the places of holding two other separate elections in said county.

Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That in future there shall be a separate election opened and held at the house of Thomas Douglass in the county of Surry, by the Sheriff of said county or his lawful deputy, on the same days, under the same rules, regulations and restrictions, and for the same purposes as other separate elections in the said county are held.

II. *And be it further enacted,* That the separate election heretofore held at Hallsborough in Surry county, be hereafter held at William Sheppard's, and the separate election heretofore held at Isaac Updegroves be hereafter held at Moses Brown's in said county; and that the said separate elections hereby established shall be held on the same days, for the same purposes, and under the same rules, regulations and restrictions as those would have been held at Hallsborough and Updegroves had they not been altered by this act, any law to the contrary notwithstanding.

CHAP. LI.

An act to establish a separate election in the county of Mecklenburg.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act there shall be one other separate election held at the former residence of Alexander Morrison, deceased, in the county of Mecklenburg, for the purpose of electing members of the General Assembly, representatives to Congress, and electors to vote for President and Vice President of the United States; which elections shall take place on the same day and under the same rules, regulations and restrictions as have been heretofore prescribed for the government of other separate elections in said county: and that an act establishing an election at the house of James Gribble is hereby repealed and made void, any law to the contrary notwithstanding.

CHAP. LII.

An Act to establish another separate election in the county of Buncombe.

WHEREAS, many of the inhabitants of the county of Buncombe, residing on the waters of Spring Creek, live at a remote distance from any election ground in said county, and whereas they are intercepted from the rest of the inhabitants of said county by a large ridge of mountains, therefore

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act a separate election shall be held in the county aforesaid at the house of Swan Barnett, in the Flats of Spring Creek, on the same day, and under the same rules, regulations and restrictions as other separate elections are held in said county.

CHAP. LIII.

An act to alter the place of holding one of the separate elections in the county of Tyrrell.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the election heretofore held, at the house of Lemuel Bassett, in Little Alligator, shall hereafter be held at the house of William Applegates, under the same rules, regulations and restrictions, as are already prescribed by law. Any law to the contrary notwithstanding.

CHAP. LIV.

An act to remove one of the separate elections in the county of Warren.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at the house of James Paines in said county, shall hereafter be holden at George Nicholson's store, in said county, for the same purposes and under the same rules, regulations and restrictions, as other separate elections in said county. Any law to the contrary notwithstanding.

CHAP. LV.

An act to alter the place of holding one separate election in the county of Craven.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at the plantation formerly Jesse Bryan's, on Smith's Creek, in the county of Craven, shall in future be held at the plantation on the head of lower Broad Creek, whereon the widow of James Jones deceased now resides, under the same rules, regulations and restrictions as have been or may be established by law, any law to the contrary notwithstanding.

CHAP. LVI.

An act to establish one other separate election in the county of Iredell, and to alter the place of holding the separate election heretofore held at the house of Jacob West, in said county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That one other separate election be established, and held at the house of Nicholas Norton in the county of Iredell, and the election heretofore held at the house of Jacob West, be removed to the house of William Harber in said county, which elections shall be opened and held on the same days, under the same rules and regulations, and for the same purposes, that separate elections are directed to be holden for said county.

CHAP. LVII.

An act for the removal of a separate election in the county of Mecklenburg.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the separate election, which has heretofore been established at the house of Joseph Farris in the county of Mecklenburg, be and the same is hereby removed to, and established at the house of L. D. Collins, which separate election shall be opened and held for the same purposes, on the same days, and under the same rules, regulations and restrictions, as have been heretofore prescribed by law for regulating and governing other separate elections in said county.

CHAP. LVIII.

An act to authorise Wilson W. Carter, late sheriff of Halifax county, to collect the taxes due him in said county, for the year one thousand eight hundred and fourteen.

WHEREAS Wilson W. Carter, sheriff as aforesaid, instead of collecting from the inhabitants of said county, for the year one thousand eight hundred and fourteen, thirty cents on the poll, through mistake he only collected twenty five cents per poll, therefore

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Wilson W. Carter, late sheriff of the county of Halifax, be and he is hereby authorised and empowered to collect the taxes due in said county for the year one thousand eight hundred and fourteen, at the rate of thirty cents per poll, under the same rules, regulations and restrictions, as other public taxes are collected, *Provided,* that this act shall continue in force twelve months from the ratification thereof and no longer.

CHAP. LIX.

An act to alter the name of the town of Martinsborough in the county of Surry, to that of Jonesville, and for appointing commissioners for said town.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the town in the county of Surry, on the lands of Richard Cunningham, known by the name of Martinsborough, shall hereafter be called Jonesville.

II. *And be it further enacted by the authority aforesaid,* That Thomas Hampton, esquire, James Arnold, Richard Cunningham, Hardy Jones, Daniel Hunt and James Parks, be appointed commissioners for said town, who shall have full power and authority to make such rules and regulations, and enact and enforce such bye-laws, (not incompatible with the laws of this state, or the United States,) as the well ordering and good government of the said town may require, or by them may be deemed proper and necessary.

III. *And be it further enacted,* That when a vacancy may happen among the said commissioners, by death, resignation or refusal to act, the remaining commissioners shall appoint others to fill such vacancy, whose power when so appointed, shall be as full and ample as if they were named in this act.

CHAP. LX.

An act for the relief of the poor of Pasquotank county.

WHEREAS by an act of the General Assembly, passed in the year one thousand eight hundred and twelve, the county court of Pasquotank were authorised to revive and continue in force an act of one thousand eight hundred and nine, authorising said court to lay a tax on the inhabitants of said county, to raise a sum for the completing the public buildings belonging to the aforesaid county, and it appearing to the satisfaction of the said court, that after completing the aforesaid public buildings, and the present repairs of the jail, there will still be a surplus of said tax remaining in the hands of the county treasurer :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority aforesaid, That the court of said county, be authorised to appropriate the above surplus to the use of the poor of said county.

And whereas, the county court aforesaid were authorised by an act of one thousand eight hundred and eight, to lay a tax on the inhabitants of said county, for the purpose of building a Poor House in said county, which said act was never carried into execution, *Be it further enacted,* That the above said act be, and the same is hereby revived and continued in force for three years, *Provided,* that instead of two shillings on the hundred acres of land, as by the above recited act of one thousand eight hundred and eight, the aforesaid court shall lay a tax not exceeding eight cents on the hundred dollars value of land or town property.

CHAP. LXI.

An act to establish and lay off a town in the county of Iredell.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Amos Sharpe, Piercephull Campbell, Reuben Morgan and John Cowden, be and are

2815 hereby appointed commissioners to lay off a town on the lands of William Harben and John Moody, and the said town when laid off by the commissioners aforesaid, and a return of their proceedings made and deposited in the clerk's office, in the county of Iredell, shall be called and known by the name of Williamsburg.

CHAP. LXII.

An act appointing commissioners to lay off and establish a town at or near the junction of the Dan and Mayo rivers, in Rockingham county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Richard Wall, Nicholas Dalton, esquire, Joseph Cardwell, John Guy and Joshua Smith, be and they are hereby appointed commissioners to lay off a town at or near the junction of the Dan and Mayo rivers, in Rockingham county, which town when so laid out, shall be called and known by the name of Madison.

CHAP. LXIII.

An act authorising the commissioners of the town of Halifax to sell a part of the town commons.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Halifax, be and they are hereby empowered to sell and make a good and perfect title in fee simple, to one half acre lot of land any where on the commons of said town, to William Person, of the county of Warren, or to any person or persons whom the said William Person may nominate or appoint for that purpose.

CHAP. LXIV.

An act to provide for the payment of jurors, who may hereafter serve in the courts of law in the county of Lincoln.

Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the jurors of the original panell hereafter summoned and attending the superior court and court of pleas and quarter sessions for the county of Lincoln, shall be entitled to receive fifty cents for each and every days attendance as jurors aforesaid, and at the rate of fifty cents for every thirty miles travelling to and from said courts: certificates of their attendance shall be made out by the clerks of the respective courts upon oath, and the clerks shall be entitled to receive six and a quarter cents for each certificate by him, or them made out and delivered as aforesaid. And it is hereby declared to be the duty of the county trustee, for said county, to pay each and every Juror attending as aforesaid, upon the juror's producing his certificate and demanding payment thereof, out of any monies not otherwise appropriated.

CHAP. LXV.

An act to authorise the county court of Buncombe, to lay a tax for the purpose of building a public jail in said county, and for other purposes.

Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the county court of pleas and quarter sessions, for the county of Buncombe, at the first term happening after the first day of January next, a majority of the acting justices of said county being present, to lay a tax for the purpose of meeting the expences of building a new jail in said county, which tax shall be continued from year to year until a sufficient sum is raised for that purpose, provided that the tax so laid, as aforesaid, shall not exceed the public tax due to the state from said county, in any one year. And the sheriff of said county, under the direction of the court shall pay into the hands of the undertaker of said jail, such sums as they may direct without any commission whatever, when the same shall be by him collected and the receipt of the undertaker shall be a sufficient voucher for said sheriff, in his settlement with the county trustee, any law to the contrary notwithstanding.

CHAP. LXVI.

An act to alter the time of holding the superior courts of law and equity, of the county of Orange

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future the superior courts of law and equity for the county of Orange, shall commence and be holden at the court-house in Hillsborough, on the Thursday after the second Monday in March and September, in each and every year: provided that nothing in this act shall be construed to prevent the superior courts of law and equity, for the county of person, from continuing in session until Thursday night, provided the business of said court should require it.

II. *And be it further enacted,* That the jurors and witnesses in civil and state cases, subpoenaed to attend said court, shall be summoned to attend on the Monday of said court.

III. *And be it further enacted,* That this act shall continue in force for three years unless sooner repealed.

CHAP. LXVII.

An act to incorporate the Person Library Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the individuals who are at present associated under the name of "the Person Library Company," and those who may hereafter become members of the said association, be and they are hereby incorporated into a body corporate and politic by the name and style of "the Person Library Company," and as such shall have perpetual succession, and in the name of "the Person Library Company," may sue and be sued, be capable of acquiring and holding real and personal estate, for the use of said Library Company, provided that the amount of the real estate shall not exceed two thousand dollars, and in special confidence that the same, and the profits thereof be applied to, and for the purpose of establishing and supporting the Library belonging to said company, and shall have ability to make and ordain laws and regulations for their own government and annually to elect their own officers.

CHAP. LXVIII.

An act to establish a charitable fund for the relief of indigent and decayed mechanics in the town of Wilmington.

WHEREAS it is the wish of sundry mechanics of the town of Wilmington, that a fund arising from their own contribution, should be established for the occasional relief of such as may be distressed, therefore.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the mechanics of the town of Wilmington, or as many of them as desire the same, and express that desire by subscribing the regulations on or before the first day of March next, shall have power and authority to assemble together and form such rules, and regulations, not inconsistent with the constitution and laws of the state, as may be necessary to effect the purpose of this act; and all such rules and regulations, made as aforesaid, they shall have power and authority to enforce, before any competent jurisdiction, by and under the name of the Mechanical Society of the town of Wilmington.

CHAP. LXIX.

An act to increase the fee of jailors for maintaining prisoners.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That after the passing of this act, the jailors of every county in this state shall be entitled to receive for finding each prisoner fuel, one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of water, and every necessary attendance, thirty cents per day and no more.

CHAP. LXX.

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An act to authorise Jonathan Parks, to peddle or exhibit articles for sale in the several counties within this state free from payment of tax for the same.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Jonathan Parks be, and he is hereby authorised to lawfully, or peddle or exhibit articles for sale, curiosities in any county in this state, free from the payment of any tax whatever, for the same.

CHAP. LXXI.

An act to amend an act passed in the year 1814, entitled "An act to provide for a settlement with the court officers of Buncombe county."

WHEREAS by the before recited act the commissioners therein mentioned, are restricted from going further back than the first day of July 1804, in the settlement of the accounts of the public officers therein mentioned, for remedy whereof, *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the said act as restricts the said commissioners, to the settling of the accounts of the public officers of Buncombe county, since the first day of July 1804, be and the same is hereby repealed and declared void.*

And be it further enacted, That the commissioners mentioned in the before recited act shall have full power and authority, to settle with all officers holding public money in said county, as far back as they may think proper. Any law to the contrary notwithstanding.

CHAP. LXXII.

An act to alter the time of holding the county court of Hyde.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county court of Hyde, shall commence and be held on the last Monday of February and August, and on the Wednesday succeeding the sixth Monday after the fourth Monday of March and September, in each and every year.

And be it further enacted by the authority aforesaid, That all acts and clauses of acts coming within the meaning and purview of this act, be and the same are hereby repealed.

CHAP. LXXIII.

An act to amend and continue in force an act passed in the year one thousand eight hundred and fourteen, entitled "an act to authorise the county court of Surry to appoint a committee of Finance."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the act passed in the year one thousand eight hundred and fourteen entitled "an act to authorise the county court of Surry to appoint a committee of Finance, be and the same is hereby declared to be continued in full force; and that the said court at the next May Term, or at any succeeding Term when they may think proper and expedient, shall have full power and authority to appoint a committee of Finance, agreeably to the provisions, and under the rules and regulations prescribed in the before recited act.

CHAP. LXXIV.

An act to amend an act passed in the year one thousand eight hundred and five, to establish the rates of pilotage from the Swash Straddle to Camden and Edenton.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for any pilot charge of any square rigged vessel, to demand and receive the sum of fifteen dollars from the Swash Straddle to the said port of Camden, and eighteen dollars to Edenton, and the same from the said ports to the Swash. Any law to the contrary notwithstanding.

CHAP. LXXV.

An act to restore to credit Charles Sutton, and others of the county of Stokes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act Charles Sutton, Simon Peter Hauser and Francis Rose, all of the county of Stokes, are hereby declared to be able and capable in law depose and testify, in all cases where the same may be necessary, in as full and ample a manner to all intents and purposes, as if they, the aforesaid Charles Sutton, Simon Peter Hauser and Francis Rose, had never been convicted of the crime of conspiracy.

Read three times and Ratified in General Assembly,

JOHN BRANCH, Speaker of the Senate.

this 20th day of December, A. D. 1815.

JOHN CRAIG, Speaker of the House of Commons.

A Copy, WILLIAM HILL, SECRETARY.

RESOLUTIONS APPOINTING A BOARD OF AUDITORS.

NORTH-CAROLINA.

In House of Commons, November 27th, 1815.

Resolved, That the Treasurer, Secretary of State and Comptroller, be and they are hereby appointed auditors, to settle and allow all claims of what kind or nature soever, yet remaining to be settled, arising from services performed by officers and soldiers of the local and detached militia, called into the service of this state or of the United States from this state, in the years eighteen hundred and thirteen, eighteen hundred and fourteen and eighteen hundred and fifteen; also to settle and allow all claims of what kind or nature soever, yet remaining to be settled, arising from the transportation of troops in any part of this state; also for munitions of war, ordnance, arms and accoutrements and provisions furnished said troops: and every other claim of what kind or nature soever, relative to the local and detached militia as aforesaid, to which the claimant may in the opinion of the said auditors or a majority of them be entitled to compensation; and which have not already been settled and paid, and for the payment of which no provision is made by the laws of the United States. Provided, that the said auditors shall report the name of the person, to whom the said compensation was originally due, and no other, and the warrant shall issue in favour of such person, his executors or administrators, and no person shall receive the money mentioned in said warrant, [the person named therein, excepted,] unless he make and subscribe, an affidavit thereon before some justice of the peace, that he receives the said money as attorney for the person therein named, and has no interest therein; or that [in case he should have purchased it,] he paid therefor the full sum, mentioned therein. Provided nothing herein contained, shall authorise the auditors to pay any claims for provisions, or any other articles gratuitously advanced, or the charge of any county for any advances.

Resolved further, That the said auditors make two correct lists of the claims allowed by them, one of which shall be deposited with the comptroller, and the other with the governor for the time being, which lists shall be countersigned by the adjutant general: And his excellency the governor is hereby requested upon receiving such lists, to make out a certificate to each of the persons entitled to the same, for the amount allowed them, and which shall be paid by the treasurer of the state, and shall be allowed to him in the settlement of his public accounts.

Resolved further, That when the amount is ascertained, which shall be paid by the treasurer, that his excellency the governor be, and he is hereby requested to forward to the president of the United States, a copy of the estimates made by the said auditors, certified under their hands and seals, accompanied with a request that the proper department of the government of the United States, be requested to reimburse this state the amounts so ascertained and allowed.

Resolved further, That the said auditor be directed to make advertisements in each of the papers published in each of the towns of Edenton, Newbern, Manteo and Fayetteville, at intervals six weeks of the time of publishing, and the powers vested in them by these resolutions; and he is directed to report to each of the said towns, and for all such services, the said auditors shall receive adequate compensation to be made to each of them by the next General Assembly.

Resolved further, That the several auditors enter upon the execution of the duties assigned them as soon as convenient, and the said auditors shall return to the adjutant general of this State, an account of all transactions of war, ordnance, and accoutrements, charges for which may be presented to them, and be by them allowed, which articles the adjutant general shall cause to be sold, or preserved as his excellency the governor shall direct.

Resolved further, That his excellency the governor be authorised to send pay-masters into different parts of the State, to discharge the claims allowed by the said auditors.

Resolved further, That the treasurer be authorised and empowered to borrow, on the credit of the State from either of the banks, at a rate of interest not exceeding six per cent per annum, the sum of twenty-five thousand dollars or any less sum that may be necessary for the purpose of carrying into execution the provisions herein contained.

Read three times and Ratified in General Assembly, &

this 21st day of December A. D. 1815.

A Copy, WILLIAM HILL, SECRETARY

JOHN BRANCH, Speaker of the Senate.

JOHN CRAIG, Speaker of the House of Commons.

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